

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 16.09.2020

PRONOUNCED ON : 21.09.2020

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.M.P.No.4873 of 2020
in Crl.R.C.No.666 of 2020

1.Tamilarasan @ Ravi ... Petitioners/AA 1 to 4
2.Senthil
3.Prakash @ Saravanaprakash
4.Ramesh

vs.

State represented by ...Respondent/Complainant
The Inspector of Police
Sathyamangalam
Erode District.
(Crime No.636 of 2008)

Criminal Miscellaneous Petition filed under Section 482 Cr.P.C. seeking to suspend the sentence of imprisonment imposed on the petitioners by judgment and order dated 24.09.2019 passed in C.C.No.273 of 2008 on the file of the Judicial Magistrate Court, Sathyamangalam, confirmed by the judgement and order dated 05.02.2020 passed in C.A.No.37 of 2019 on the file of the III Additional District and Sessions Court, Gobichettipalayam, Erode, pending disposal of this criminal revision petition.

For petitioners: Mr.Parthasarathy

For respondent : Mrs.P.Kritika Kamal
Govt. Advocate (Crl. Side)

ORDER

This case is taken up through video conferencing.

2. This criminal miscellaneous petition has been filed seeking to suspend the sentence of imprisonment imposed on the petitioners by judgment and order dated 24.09.2019 passed in C.C.No.273 of 2008 on the file of the Judicial Magistrate Court, Sathyamangalam, confirmed by the judgement and order dated 05.02.2020 passed in C.A.No.37 of 2019 on the file of the III Additional District and Sessions Court, Gobichettipalayam, Erode, pending disposal of this criminal revision petition.

3. The petitioners, who were accused in C.C.No.273 of 2008 before the Judicial Magistrate Court, Sathyamangalam, were convicted of the offence under Sections 394 IPC (2 counts) and sentenced as follows:

S.No.	Accused	Provision under which convicted	Sentence
1	Tamilarasan @ Ravi (A1)	Section 394 IPC (2 counts)	Two years rigorous imprisonment and fine of Rs.1,000/-, in default to undergo one month simple imprisonment.
2	Senthil (A2)		
3	Prakash @ Saravanaprakash (A3)		
4	Ramesh (A4)		

The aforesaid sentences were ordered to run concurrently.

4. The appeal in C.A.No.37 of 2019 filed by the petitioners was dismissed by the III Additional District and Sessions Court, Gobichettipalayam, Erode, on 05.02.2020.

5. Challenging the concurrent findings of fact arrived at by the Courts below, the petitioners have filed the present revision petition along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

6. Heard Mr.Parthasarathy, learned counsel for the petitioners and Mrs.P.Kritika Kamal, learned Government Advocate (Crl.Side) appearing for the respondent/State.

7. It is reported that Tamilarasan @ Ravi (A1), Senthil (A2) and Prakash @ Saravanaprakash (A3) have surrendered before the Judicial Magistrate Court, Sathyamangalam, on 04.09.2020, whereas, Ramesh (A4) has not surrendered. Hence, this criminal miscellaneous petition is dismissed *qua* Ramesh (A4). The respondent/police is directed to secure Ramesh (A4) and remand him in judicial custody.

8. The petitioners 1 to 3 have raised substantial grounds in the revision petition which require detailed appraisal. Further, the revision petition is not likely to be taken up in the near future. Moreover, the petitioners 1 to 3 have been in incarceration from 04.09.2020. In such view of the matter, this Court is of the view that the petitioners 1 to 3 are entitled to the relief of suspension of sentence and bail.

9. Accordingly, the relief of suspension of sentence and bail is granted to the petitioners 1 to 3 on the following conditions:

- (i) the petitioners 1 to 3 shall execute a bond for a sum of Rs.25,000/- each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate Court, Sathyamangalam;
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate, Sathyamangalam, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- (iii) the petitioners 1 to 3 shall appear before the trial) Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.

-sd/-
21/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE III ADDITIONAL DISTRICT AND SESSIONS
JUDGE, GOBICHETTIPALAYAM, ERODE.

2 THE JUDICIAL MAGISTRATE,
SATHYAMANGALAM.

3 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
SATHYAMANGALAM, ERODE DISTRICT.

6 THE SUPERINTENDENT OF PRISON,
CENTRAL PRISON, COIMBATORE.

+1 C.C. to M/S.S.PARTHASARATHY Advocate on payment of
necessary charges SR.NO.6291

Order

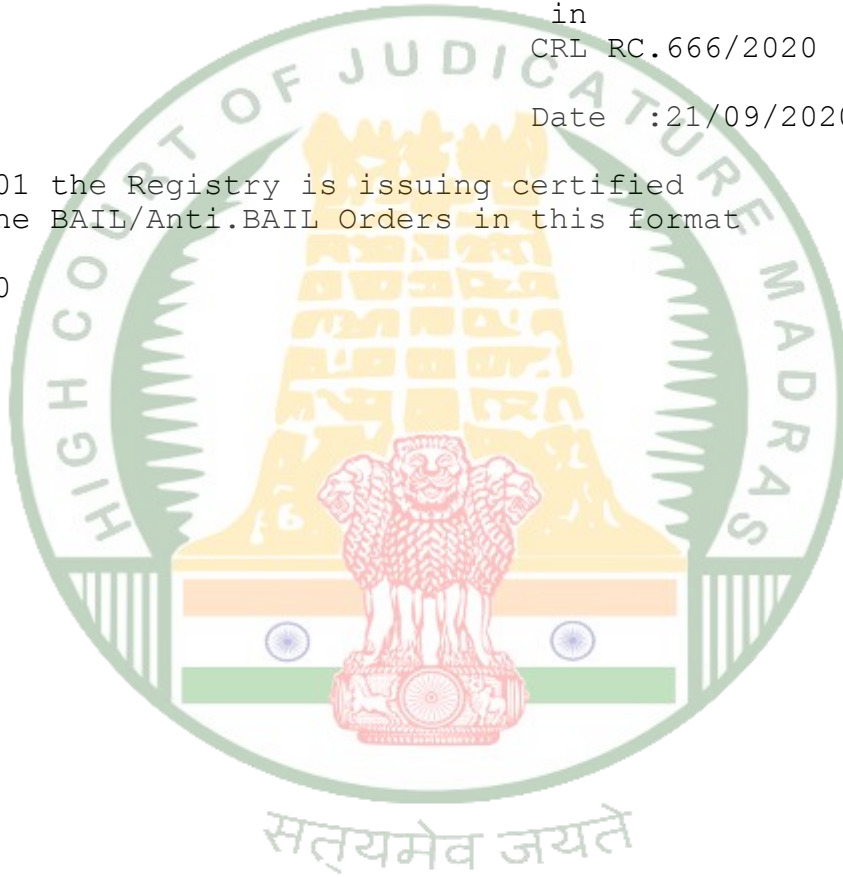
in
CRL MP.4873/2020

in
CRL RC.666/2020

Date :21/09/2020

From 7.2.2001 the Registry is issuing certified
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TA-21/09/2020



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