

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Tenth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.13294 of 2019

IN CRL.A.No.618 OF 2019

R.IYYAPPAN

[PETITIONER]

Vs

THE STATE, REP. BY
THE INSPECTOR OF POLICE,
THITTAKUDI POLICE STATION,
THITTAKUDI, CUDDALORE DISTRICT.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.618 of 2019 on the file of the High Court, the High Court will be pleased to suspend the execution of the sentence against the petitioner/accused by the S.C.No.239 of 2016 on the file of the Sessions Learned Mahila Court, Cuddalore, dated 01.08.2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.618 of 2019 on the file of the High Court and upon hearing the arguments of M/S. P.MUTHAMIZH SELVAKUMAR, Advocate for the petitioner and of MR. K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioner faced trial in S.C.No.239 of 2016 on the file of learned Sessions Judge, Mahila Court, Cuddalore District. Under judgment dated 01.08.2018, the trial Court convicted and sentenced the petitioner / accused for the offences as tabulated hereunder:-

Convicted of the Offence	Sentenced
Under Section 341 IPC	To undergo one month Simple Imprisonment and to pay a fine of Rs.500/- in default to undergo Simple Imprisonment for one week.
Under Section 294 (b) IPC	To undergo one month Simple Imprisonment and to pay a fine of Rs.1,000/- in default to undergo Simple Imprisonment for one week.
Under Section 307 IPC	To undergo ten years Rigorous Imprisonment and to pay a fine of Rs.10,000/- in default to undergo Simple Imprisonment for one year.

Convicted of the Offence	Sentenced
Under Section 506 (ii) IPC	To undergo one year Rigorous Imprisonment and to pay a fine of Rs.5,000/- in default to undergo six months Simple Imprisonment.
Under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998.	To undergo two years Rigorous Imprisonment and to pay a fine of Rs.10,000/- in default to undergo six months Simple Imprisonment.

2. The sentences were ordered to run concurrently. As against the aforesaid convictions and sentences, the petitioner has filed this Criminal Appeal, along with the petition seeking suspension of sentence.

3. It is submitted by the learned counsel for the petitioner / accused that the amount of fine had already been paid, as directed by the trial Court in its judgment. He further submitted that there are several infirmities and inconsistencies in the prosecution case and there are also contradictions in material particulars in the evidence of the prosecution. He also submitted that there are arguable points available in this Criminal Appeal, which is not likely to be taken up for final hearing in the near future and hence, the substantive sentence imposed against the petitioner may be suspended.

4. Heard learned Additional Public Prosecutor on the submissions made by the learned counsel for petitioner.

5. Considering the facts and circumstances of the case and taking into consideration the submissions of learned counsel for petitioner, this Court is of the view that the petitioner herein can be granted the relief of suspension of sentence. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner herein is directed to be enlarged on bail on the following conditions:-

- a) The Petitioner/Accused is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Cuddalore;
- b) The Petitioner/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the learned Judge may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

c) The Petitioner/Accused shall appear before the Inspector of Police, Trichy Cantonment Police Station, Trichy, at 10.30 a.m. on every Monday, starting from 17.02.2020, until the disposal of the Appeal.

-sd/-

10/02/2020

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 SESSIONS JUDGE,
MAHILA COURT, CUDDALORE DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THITTAKUDI POLICE STATION,
THITTAKUDI, CUDDALORE DISTRICT.

5 THE INSPECTOR OF POLICE,
TRICHY CANTONMENT POLICE STATION,
TRICHY

C.C. to M/S. P.MUTHAMIZH SELVAKUMAR Advocate on payment of necessary charges SR.NO.2538

WEB COPY

Order
in
CRL MP.13294/2019

IN CRL.A.No.618 OF 2019

Date :10/02/2020

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RVR 13/02/2020

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