

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.M.P.No.13366 of 2019

in Crl.A.No.621 of 2019

Sugumaran @ Sagu

...Petitioner

Vs.

The Inspector of Police,
Crime, N-1, Royapuram Police Station,
Chennai-600 013.

...Respondent

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the conviction and sentence imposed on the petitioner by order dated 07.01.2019 in S.C.No.122 of 2012 on the file of the XVIII Additional Sessions Court, Chennai.

For Petitioner : Mr.C.V.Kumar

For Respondent : Mr.K.Madhan

Government Advocate (Crl.Side)

ORDER

This petition is filed to suspend the conviction and sentence imposed on the petitioner by order dated 07.01.2019 in S.C.No.122 of 2012 on the file of the XVIII Additional Sessions Court, Chennai.

2. The case of the prosecution is that on 30.04.2011, the petitioner intercepted the *de facto* complainant (PW1), snatched his chain and when the *de facto* complainant (PW1) resisted, he cut him above his ear twice resulting in injuries to the *de facto* complainant (PW1). When the *de facto* complainant (PW1) fell, the accused snatched not only his gold chain, but also his mobile phone and fled. On these allegations, the accused faced trial in S.C.No.122 of 2012 before the XVIII Additional Sessions Judge, Chennai and was convicted on 07.01.2019 and sentenced as follows:

S.No.	Provision under which convicted	Sentence
1	Section 341 IPC	Fine of Rs.500/-.
2	Section 394 r/w 397 IPC	Ten years rigorous imprisonment and fine of Rs.5,000/-, in default to undergo three months simple imprisonment.

3. Challenging the above conviction and sentences, this petition has been filed and the petitioner is seeking suspension of sentence and bail.

4. Mr.C.V.Kumar, learned counsel for the petitioner submitted that the weapon was not recovered in this case and a case has been foisted on the petitioner.

5. Refuting the submissions made by the learned counsel for the petitioner, Mr.K.Madhan, learned Government Advocate (Crl.Side) submitted that the *de facto* complainant (PW1) had sustained injuries and was treated in the hospital for the injuries suffered by him. He also submitted that there are four previous cases pending against the petitioner.

6. This Court gave its anxious consideration to the rival submissions.

7. On a *prima facie* reading of the evidence, it is seen that while committing robbery, the petitioner has caused injuries to the *de facto* complainant (PW1), for which, the *de facto* complainant (PW1) had undergone medical treatment. Non-recovery of the weapon by itself will not vitiate the trial. These are all the aspects which are to be seen at the time of final disposal of the appeal. It is seen that there are four previous cases pending against the petitioner. In such view of the matter, this is not a fit case to grant suspension of sentence and bail.

As a result, this criminal miscellaneous petition is dismissed for the present.

-sd/-
20/07/2020

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 XVIII ADDITIONAL SESSIONS JUDGE,
CHENNAI.

2 THE INSPECTOR OF POLICE,
CRIME, N-1, ROYAPURAM POLICE STATION,
CHENNAI-13.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

C.C. to M/S. C.V.KUMAR Advocate on payment of necessary
charges

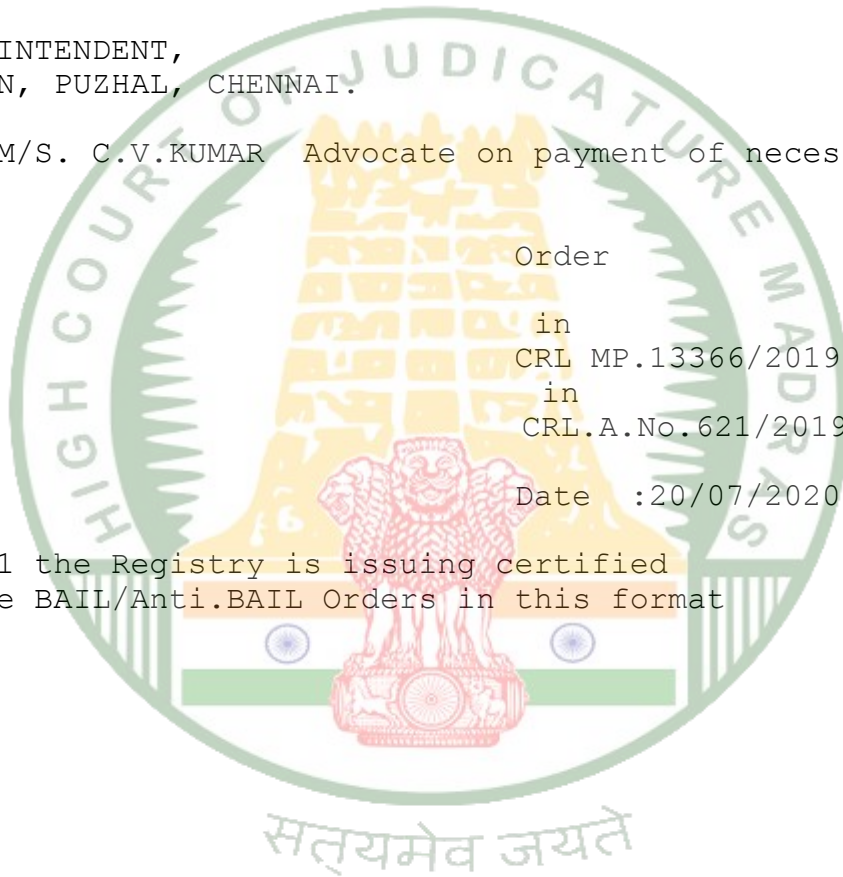
Order

in
CRL MP.13366/2019
in
CRL.A.No.621/2019

Date :20/07/2020

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TA-06/08/2020



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