

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fourth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL MISCELLANEOUS PETITION Nos.17369 & 17375 of 2019

IN CRL.R.C.Nos.1283 & 1284 OF 2019

SACHITHANANDAN

[PETITIONER IN CRL.RC.No.1283/19]

KATHIRVELU

[PETITIONER IN CRL.RC.No.1204/19]

Vs

STATE REP.BY

[RESPONDENT IN BOTH THE
PETITIONS]

THE INSPECTOR OF POLICE,
DISTRICT CBCID, NAMAKKAL,
NAMAKKAL DISTRICT.
CR.NO.1 OF 2000.

Petitions praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case Nos.1283 & 1284/2019 on the file of the High Court, the High Court will be pleased to enlarge the petitioner on bail by suspending the sentence imposed upon me by the learned Additional District Sessions Judge, Namakkal in Crl.Appeal No.20 of 2019 dated 18.10.2019 and confirmed the Judgment of learned Chief Judicial Magistrate, Namakkal in C.C.No.56 of 2008 dated 04/06/2019.

Order : These petitions coming on for orders upon perusing the petitions and the Memorandum of Grounds in Criminal Revision Case Nos.1283 & 1284/2019 on the file of the High Court and upon hearing the arguments of M/S R.VIVEKANANDAN Advocate for M/S.K.T.S.SIVAKUMAR, Advocate for the petitioner and of MR. T.SHUNMUGARAJESWARAN, Govt. Advocate O/O PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

These Criminal Miscellaneous Petitions are filed by the petitioners/Accused Nos.3 & 4, seeking suspension of sentence of imprisonment, imposed by the judgment dated 18.10.2019, made in Crl.A.No.20 of 2019 by the Additional Sessions Judge (FAC), Namakkal, confirming the judgment of conviction and sentence passed in the Judgment dated 04.06.2018 made in C.C.No.56 of 2008 by the Chief Judicial Magistrate, Namakkal and to enlarge the petitioners/Accused Nos.3 & 4, on bail, pending disposal of the Criminal Revision.

2. This Court heard the submissions made by the learned counsel for the petitioners and the Learned Additional Public Prosecutor appearing for the respondent and also perused the materials placed on

3. In and by the impugned judgment of the trial Court, the petitioners/Accused Nos.3 & 4, were convicted and sentenced for the offences as stated under:-

Sl. Nos.	Accused	Conviction	Sentence
1.	A3	Under Section 420 r/w 120-B, 468 of I.P.C	To undergo three years Simple Imprisonment and to pay a fine of Rs.7,000/- each section in default one month Simple Imprisonment
		Under Section 419 of I.P.C	To undergo three years Simple Imprisonment and to pay a fine of Rs.6,000/- in default one month Simple Imprisonment
		Under Section 471 r/w 109 of I.P.C	To undergo two years Simple Imprisonment and to pay a fine of Rs.5,000/- in default one month Simple Imprisonment
2.	A4	Under Section 420 r/w 120-B, 468 of I.P.C	To undergo three years Simple Imprisonment each section and to pay a fine of Rs.7,000/- in default one months Simple Imprisonment.
		Under Section 419 of I.P.C	To undergo three years Simple Imprisonment and to pay a fine of Rs.6,000/- in default one month Simple Imprisonment
		Under Section 471 r/w 109 of I.P.C	To undergo two years Simple Imprisonment and to pay a fine of Rs.5,000/- in default one month Simple Imprisonment.

The sentences were ordered to run concurrently.

4. The Learned Counsel for the petitioners/Accused Nos.3 & 4 would submit that there are arguable points available in the Criminal revision. He further submitted that if the Criminal Revision is not likely to be taken for final hearing in the near future and that the petitioners/accused Nos.3 & 4 have got a fair chance to succeed in the Criminal Revision. He further submitted that already the accused Nos.1 & 2 have filed the Criminal Revision Case No.1266 of 2019 against the judgment passed by the Appellate Court, wherein, this Court has suspended the sentence by the order dated 28.11.2019 and therefore, he prayed to extend the same benefit to the petitioners herein also.

5. The learned Additional Public Prosecutor has raised objections for suspending the sentence.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioners that already this Court has suspended the sentence awarded for the accused Nos.1 and 2, this Court is of the view that

the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the criminal revision, the substantive sentence of imprisonment alone is suspended and the Petitioners/A3 & A4 are ordered to be enlarged on bail, on the following conditions:-

i. Each of the Petitioners/A3 & A4 shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Namakkal.

ii. The Petitioners/A3 & A4 shall report before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

7. Registry is directed to call for the records from the Appellate Court and post the case on 03.04.2020, along with Criminal Revision Case No.1267 of 2019.

-sd/-

04/03/2020

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 CHIEF JUDICIAL MAGISTRATE
NAMAKKAL

2 THE ADDITIONAL DISTRICT
SESSIONS JUDGE, NAMAKKAL

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CBCID, NAMAKKAL,
NAMAKKAL DISTRICT.

5 THE ADDITIONAL SESSIONS
JUDGE (FAC) NAMAKKAL

6 THE SECTION OFFICER
CRIMINAL SECTION, HIGH COURT,
MADRAS.

+2 C.C. to M/S.K.T.S.SIVAKUMAR Advocate on payment of necessary
charges Sr.Nos.4329 & 4330

Order

in

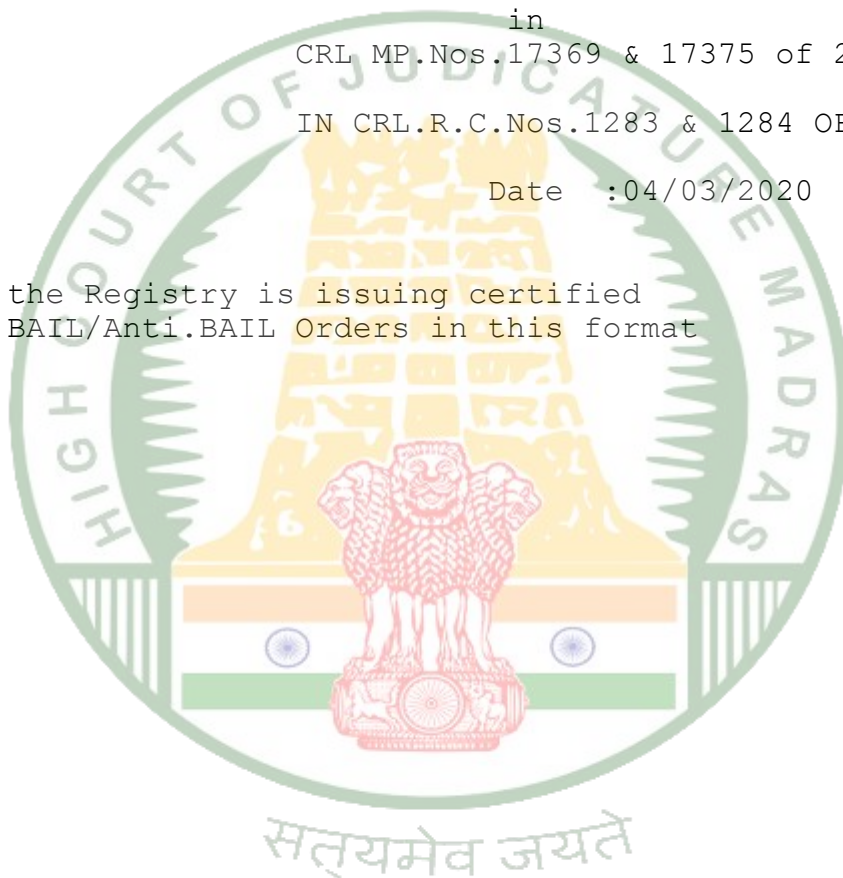
CRL MP.Nos.17369 & 17375 of 2019

IN CRL.R.C.Nos.1283 & 1284 OF 2019

Date :04/03/2020

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

RVR 05/03/2020



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