



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Thirteenth day of January Two Thousand Twenty

WEB COPY

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.18106 of 2019

IN CRL.RC.NO.1359 OF 2019

SHAJITHA

[PETITIONER]

Vs

**[*]THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
FAIRLANDS POLICE STATION,
SALEM DISTRICT,
(CRIME NO.258/2017).**

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1359/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in the judgement dated 24.07.2019 made in C.A.NO.28/2019 on the file of the III Additional and District Sessions Judge, Salem, confirming the conviction imposed in judgement dated 07.01.2019 made in CC No.18/2018 on the file of Judicial Magistrate NO.V, Salem.[CRL.MP.NO.18106/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1359/2019 on the file of the High Court and upon hearing the arguments of M/S.D.MARIO JOHNSON, Advocate for the petitioner and of MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioner faced trial in C.C.No.18 of 2018 on the file of learned Judicial Magistrate No.V, Salem. Under judgment, dated 07.01.2019, the trial Court found the petitioner guilty under Section 381 IPC and sentenced her to undergo Simple imprisonment for a period of two years and to pay a fine of Rs.500/-, in default to undergo simple imprisonment for one month. Aggrieved over the same, the petitioner has filed a Criminal Appeal No.28 of 2019 before the learned III Additional District Judge, Salem and by judgment dated 24.07.2019, the appellate Court has confirmed the conviction and sentence imposed by the trial court. Challenging the concurrent conviction and sentence imposed by the Courts below, the petitioner has come up with the Criminal Revision Case along with the present petition seeking suspension of sentence.



petitioner/accused 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 submitted that there are arguable points available in this Criminal Revision Case, 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.

3. Heard the learned Additional Public Prosecutor appearing for the State on the submissions made by the learned counsel for the petitioner.

4. Considering the facts and circumstances of the case and taking into account the submissions made by the learned counsel on either side, this Court is of the view that the petitioner herein can be granted the relief of suspension of sentence.

5. 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 Judicial Magistrate's Court No.V, Salem;
- b) The Petitioner/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities; and
- c) The Petitioner/ Accused shall appear before the Trial Court on the first working day of every month at 10.30 a.m., until the disposal of the Criminal Revision Case and if she is not able to appear before the Trial Court on any day, due to unavoidable circumstances, she shall make arrangements to file an application under Section 317 of Cr.PC. and shall appear before the Trial Court on any other day in lieu of her absence, as directed by the Trial Court. Such an application shall not be entertained often.

-sd/-

13/01/2020

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.



[*]Amended as per the order of this court dated 13/01/2020 made in CRL.MP.NO.371 OF 2020 IN CRL.RC.NO.1359 OF 2019.

TO சீர்திருவிழா

1 THE III ADDITIONAL DISTRICT
JUDGE, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM[FOR INFORMATION]

3 THE JUDICIAL MAGISTRATE,
NO.V, SALEM

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

**5 [*]THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
FAIRLANDS POLICE STATION,
SALEM DISTRICT,**

+1 C.C. to M/S.D.MARIO JOHNSON Advocate on payment of necessary
charges SR.NO. 718

Order

in
CRL MP.18106/2019

IN CRL.RC.NO.1359 OF 2019

Date :13/01/2020

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 13/01/2020