



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventh day of January Two Thousand Twenty

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PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION NO.18254 OF 2019

IN CRL.A.NO.857 OF 2019

1 G.RAJA

[PETITIONERS / APPLICANTS]

2 KUVILIYMA @ CHINNAMAAYI

Vs

STATE REP. BY

[RESPONDENT]

INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
KRISHNAGIRI DISTRICT.
(CRIME NO.263/2015).

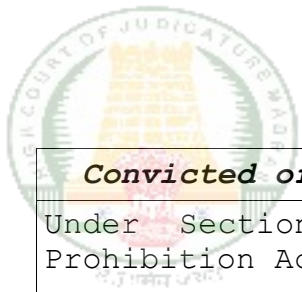
Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.857 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the Sessions Judge / Fast Track Mahila Court, Krishnagiri in S.C.No.113/16 dated 28/11/2019 pending disposal of the CRL.A.NO.857 OF 2019

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.857 OF 2019 on the file of the High Court and upon hearing the arguments of M/S. T.PANCHATSARAM, Advocate for the petitioner and of MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioners faced trial in S.C.No.113 of 2016 on the file of the learned Sessions Judge / Fast Track Mahila Court, Krishnagiri. By judgment dated 28.11.2019, the Trial Court convicted the petitioners / accused herein and the details of the same are as under:

First accused:

<i>Convicted of the Offence</i>	<i>Sentenced</i>
Under Section 498 (A)	to undergo rigorous imprisonment for two years and to pay a fine of Rs.25,000/- in default to undergo rigorous imprisonment for three months.



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<i>Convicted of the Offence</i>	<i>Sentenced</i>
Under Section 4 of Dowry Prohibition Act	to undergo rigorous imprisonment for one year and to pay a fine of Rs.10,000/- in default to undergo rigorous imprisonment for two months.
Under Section 326 of IPC	to undergo rigorous imprisonment for five years and to pay a fine of Rs.25,000/- in default to undergo rigorous imprisonment for six months.

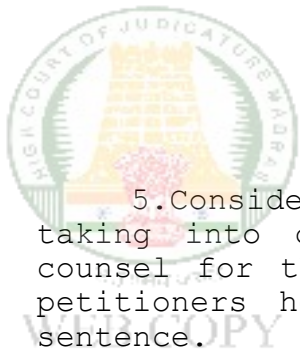
Second accused:

<i>Convicted of the Offence</i>	<i>Sentenced</i>
Under Section 498(A) of IPC	to undergo rigorous imprisonment for two years and to pay a fine of Rs.25,000/- in default to undergo rigorous imprisonment for three months.
Under Section 4 of Dowry Prohibition Act	to undergo rigorous imprisonment for one year and to pay a fine of Rs.10,000/- in default to undergo rigorous imprisonment for two months.
Under Section 326 r/w 109 of IPC	to undergo rigorous imprisonment for five years and to pay a fine of Rs.25,000/- in default to undergo rigorous imprisonment for six months.

2.As against the aforesaid conviction and sentence, the petitioners have filed the Criminal Appeal along with this petition seeking suspension of sentence.

3.It is submitted by the learned counsel for the petitioners / accused that the amount of fine had already been paid, as directed by the trial Court in its judgment. The learned counsel 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. The learned counsel 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 petitioners may be suspended.

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



5. Considering the facts and circumstances of the case and taking into consideration the submissions made by the learned counsel for the petitioners, this Court is of the view that the petitioners herein can be granted the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners herein are directed to be enlarged on bail on the following conditions:-

- a) The petitioners/accused shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each of whom, one should be a Government Servant, for a like sum to the satisfaction of the Sessions Judge / Fast Track Mahila Court, Krishnagiri;
- b) The petitioners/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.
- c) The petitioners/accused shall appear before the Trial Court at 10.30 a.m. on the first working day of every English Calendar Month, until the disposal of the Appeal and if they are not able to appear before the Trial Court on any day, due to unavoidable circumstances, they 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 their absence, as directed by the Trial Court. Such an application shall not be entertained often.

7. Thereafter, the petitioners/accused shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of SC.No.113 of 2016 before the Trial Court, within a period of three weeks therefrom. On such deposit being made, the Trial Court shall redeposit the said amount in a Fixed Deposit Account, in any one of the Nationalized Banks, renewable thereafter periodically. The disbursal of this amount shall be decided at the culmination of the Criminal Appeal.



8. On the failure of the petitioners/accused, depositing the said amount, it is open to the Trial Court to commit the petitioner/ accused into custody for undergoing the sentence.

-sd/-
07/01/2020

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.

TO

1 THE SESSIONS JUDGE/FAST TRACK
MAHILA COURT, KRISHNAGIRI.

2 THE SUPERINTENDENT,
CENTRAL PRISON (MEN), VELLORE.

3 THE SUPERINTENDENT,
CENTRAL PRISON (WOMEN), VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
KRISHNAGIRI DISTRICT.

+1C.C. to M/S. T.PANCHATSARAM Advocate on payment of
necessary charges SR NO.327

Order

in
CRL MP.18254/2019
in
CRL.A.857/2019

Date :07/01/2020

From 7.2.2001 the Registry is issuing certified
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