



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.18830 of 2019

IN CRL.RC.NO.1482 OF 2019

S.SURESH

[PETITIONER /
CRIMINAL REVISION PETITIONER /
SOLE ACCUSED]

Vs

STATE REP.BY
INSPECTOR OF POLICE,
BANGALAPUDUR POLICE STATION,
ERODE DISTRICT.
CR.NO.385/2015.

[RESPONDENT / RESPONDENT /
COMPLAINANT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.RC.No.1482/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in S.C.118/2016 dated 18.06.2018 on the file of the Hon'ble Assistant Sessions Judge, Gobichettipalayam and confirmed by IIIrd Additional District and Sessions Judge of Gobichettipalayam at Erode District in C.A.No.237/2019 dated 18.09.2019 and may release the petitioner on bail, pending Crl.RC.No.1482/2019.

Order : This petition coming on for orders upon perusing the petition and Memorandum of Grounds in Crl.RC.No.1482/2019 of On the file of the High Court and upon hearing the arguments of M/S.B.MOHAN, Advocate for the petitioner, and of MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

By judgment dated 18.06.2018 passed by the Assistant Sessions Judge, Gobichettipalayam in S.C.No.118 of 2016, the petitioner was convicted for the offence under Section 450 of IPC and sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo 1 year simple imprisonment. The Assistant Sessions Judge also convicted the petitioner under Section 307 of IPC and sentenced to undergo 7 years rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo 1 year simple imprisonment. Challenging the said conviction and sentence, the petitioner preferred an appeal in Crl.A.No.237 of 2018 before the III Additional District and Sessions Judge, Erode at Gobichettipalayam, in which, the order of conviction and sentence imposed by the Trial Court was confirmed. Aggrieved over the same, the petitioner has filed the present Criminal Revision Case. He also filed a miscellaneous petition seeking suspension of sentence, pending disposal of this Criminal Revision.



2. According to the learned counsel for the petitioner, the Courts below erred in placing reliance on the evidence of P.W.1 as the witness is totally unbelievable, embellished and did not support the case of the prosecution. The learned counsel further submitted that there are arguable points available in the 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 counsel for the petitioner, the learned Additional Public Prosecutor appearing for the respondent and also perused the materials placed on record.

4. Considering the facts and circumstances of the case and also taking note of the submissions made on either side, this Court is of the view that the substantive sentence of imprisonment alone can be suspended subject to certain conditions. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of suspension of sentence and bail are granted, on the following conditions:-

- a) The Petitioner/Accused is ordered to be released on bail, on his executing 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 3rd Additional District and Sessions Judge of Gobichettipalayam at Erode;
- b) The Petitioner/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 petitioner/accused shall appear before the Trial Court at 10.30 a.m. daily until further orders.

-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.

TO

1 THE ASSISTANT SESSIONS JUDGE
GOBICHETTIPALAYAM.

<https://hcservices.ecourts.gov.in/hcservices/>
2 THIRD ADDITIONAL DISTRICT AND SESSIONS JUDGE,
GOBICHETTIPALAYAM AT ERODE.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BANGALAPUDUR POLICE STATION,
ERODE DISTRICT.

+1 C.C. to M/S.B.MOHAN Advocate on payment of necessary charges
SR.No.855

Order

in
CRL MP.18830/2019

in
CRL.RC.1482/2019

Date :13/01/2020

From 7.2.2001 the Registry is issuing certified
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