

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Seventh day of January Two Thousand Twenty
PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION NO.18806 OF 2019

IN CRL.RC.NO.1479 OF 2019

1 RAJALINGAM
2 BATHMAPRIYA

[PETITIONERS / ACCUSED]

Vs

THE STATE REPTD. BY
THE INSPECTOR OF POLICE,
VILLUPURAM TALUK POLICE STATION,
VILLUPURAM DISTRICT
CRIME NO.1295 OF 2017.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.RC.NO.1479 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the execution of the sentence passed against the petitioners in C.A.No.51 of 2019 dated 06.11.2019 on the file of the Learned Principal District and Session Judge, Villupuram District confirming the order of the Learned I Additional Assistant Sessions Judge, Villupuram made in S.C.NO.91 of 2018 dated 28.06.2019 CRL.RC.NO.1479 OF 2019 [IN CRL.MP.NO.18806 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.RC.NO.1479 OF 2019 on the file of the High Court and upon hearing the arguments of M/S. S.SARAVANAKUMAR, 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 28.06.2019 passed by the I Additional Assistant Sessions Court, Villupuram in S.C.No.91 of 2018, the first petitioner/first accused was convicted under Section 307 IPC and sentenced to undergo seven years rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo one month simple imprisonment and the second petitioner / third accused was convicted under Section 323 IPC and to pay a fine of Rs.500/- in default to undergo one week simple imprisonment. Challenging the said conviction and sentence, the petitioners preferred an appeal in Crl.A.No.51 of 2019 before the Principal District and Sessions Judge, Villupuram, which ended in dismissal. Aggrieved over the same, the petitioners have filed the present Criminal Revision Case. They also filed a miscellaneous petition seeking suspension of sentence pending disposal of this Criminal Revision.

2. When this petition was taken up, the learned counsel for the petitioners has submitted that he is not pressing relief as against the second petitioner and hence this petition may be dismissed as against the second petitioner. Recording the said submission, this petition is dismissed as against the second petitioner.

3. With regard to the first petitioner, the learned counsel for the petitioners has submitted that the first petitioner had already surrendered before the Trial Court. He further submitted that the Trial Court failed to see that the alleged eye witnesses have not been mentioned in the First Information Report and further they were examined belatedly. He 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 first petitioner may be suspended.

4. Heard the learned counsel for the petitioners and also perused the materials placed on record.

5. Considering the facts and circumstances of the case and also taking note of the submissions of the learned counsel for the petitioners, this Court is of the view that the substantive sentence of imprisonment in respect of the first petitioner 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 for the first petitioner, on the following conditions:-

- a) The first petitioner / first 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 I Additional Assistant Sessions Court, Villupuram;
- b) The first petitioner / first 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 first petitioner / first accused shall appear before the Trial Court at 10.30 a.m. on the first working day of every month, until the disposal of the revision case and if he is not able to appear before the Trial Court on any day, due to unavoidable circumstances, he 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 his absence, as directed by the Trial Court. Such an application shall not be entertained often.

-sd/-

27/01/2020

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 PRINCIPAL DISTRICT AND
SESSION JUDGE, VILLUPURAM DISTRICT.

2 THE IST ADDITIONAL ASSISTANT
SESSIONS COURT, VILLUPURAM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VILLUPURAM TALUK POLICE STATION,
VILLUPURAM DISTRICT.

+1C.C. to M/S. S.SARAVANAKUMAR Advocate on payment of
necessary charges SR NO.1441

Order

in

CRL MP.18806/2019

in

CRL OP.1479/2019

Date :27/01/2020

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MK:28/01/2020

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