

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Fourth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION NO.19079 OF 2019

IN CRL.RC.NO.150 OF 2019

KATHAVARAYAN

[PETITIONER]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARNI.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.RC.NO.150 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the learned Judicial Magistrate, Arni in C.C.No.92/2012 dated 11.02.2016 confirming the Judgment passed by the learned Additional District Judge (FTC), Arni in Crl.A.No.8/2016 dated 22.10.2019 and enlarge the petitioner on bail disposal of the above CRL.RC.NO.150 OF 2019 [CRL.MP.NO.19079 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.RC.NO.150 OF 2019 on the file of the High Court and upon hearing the arguments of M/S.C.SAMIVEL, 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 11.02.2016 passed by the learned Judicial Magistrate, Arni, in CC No.92/2012, the petitioner was convicted for the offence under Section 498(A) IPC and sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo three months simple imprisonment. Challenging the said conviction and sentence, the petitioner preferred an appeal in Crl.A.No.8 of 2016 before the learned Additional District Judge (Fast Track Court), Arni, Tiruvannamalai District, in which, the order of conviction and payment of compensation passed by the trial Court was confirmed. Aggrieved over the same, the petitioner filed the Criminal Revision Case along with the present petition seeking suspension of sentence.

2. It is the submission of the learned counsel for the petitioner / accused that the amount of fine had already been paid, as directed by the trial Court in its judgment and he has also produced a receipt before this Court to that effect. He further submitted that there are several infirmities and inconsistencies in the prosecution case. He also submitted that there are arguable points available in this Criminal Revision, 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 learned Additional Public Prosecutor on the submissions made by the learned counsel for 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. 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, Arni;
- b) The Petitioner/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the learned Judge may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities;

WEB COPY

c)The petitioner / accused shall appear before the trial court at 10.30 a.m. on the first working day of every English Calender Month, until the disposal of this criminal appeal 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/-

24/02/2020

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 JUDICIAL MAGISTRATE,
ARNI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE ADDITIONAL DISTRICT JUDGE
(FAST TRACK COURT), ARNI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARNI.

+1C.C. to M/S.C.SAMIVEL Advocate on payment of necessary
charges SR NO.3637

Order

in
CRL MP.19079/2019

in
CRL RC.1500/2019

Date :24/02/2020

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
<https://hcservices.ecourts.gov.in/hcservices/>
MR:27/02/2020