



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Eighteenth day of September Two Thousand Twenty

PRESENT

WEB COPY

The Hon`ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.4657 of 2020

IN

CRL RC(MD) No.31 of 2016

T.SEKAR

... PETITIONER/ PETITIONER

Vs

S.CHOKKALINGAM

... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence of conviction passed in C.A.No.76 of 2014 by the Learned II Additional District and Sessions Court, (fast track court), Thanjavur dated 29.06.2015 by confirming conviction of the order in STC No.122 of 2012 passed by the learned Judicial Magistrate, Fast Track Court, Thanjavur dated 02.07.2014.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.K.R.LAXMAN, Advocate for the petitioner, the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the revision petitioner to suspend the sentence passed in C.A.No.76 of 2014 by the learned II Additional District and Sessions Court (Fast Track Court), Thanjavur, dated 29.06.2015 by confirming the conviction and sentence passed by the learned Judicial Magistrate, Fast Track Court, Thanjavur, in S.T.C.No.122 of 2012 on 02.07.2014.

2. Originally, the revision petitioner has filed this Criminal Revision Case in Crl.R.C.(MD)No.31 of 2016 along with a petition in Crl.M.P.(MD)No. 734 of 2016 to suspend the sentence imposed on him. This Court, while entertaining this Criminal Revision Case, on 05.02.2016, granted an order of suspension of sentence in Crl.M.P.(MD)No.734 of 2016 in Crl.R.C.(MD)No.31 of 2016. Thereafter, the matter was listed for final hearing. When this Criminal Revision Case was listed for final hearing before this Court on 15.07.2020 and 29.07.2020, there was no representation for the revision petitioner and therefore, this Court, on 05.08.2020, recalled the order of suspension of sentence granted on 05.02.2016. Pursuant to the same, the Thanjavur East Police Station also secured the revision petitioner and remanded him in Judicial Custody.



3. Now, the present petition is moved by the revision petitioner on the ground that he engaged a counsel one Mr.N.Balasubramanian, who is practicing at Thanjavur and due to some technical error on his side, the counsel could not verify the listing of this case and represent before the Court on the earlier hearings and now, the petitioner is affected with COVID-19 and admitted in Thanjavur Medical College and Hospital in Corona Ward.

4. The said fact is also verified through the respondent Police and the learned Additional Public Prosecutor has also produced a letter in No.Ki.Ci.Ku/08/2020, dated 18.09.2020, submitted by the Superintendent, Sub Jail Kumbakonam to that effect.

5. Heard Mr.K.R.Laxman, learned Counsel for the petitioner and Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor for the State.

6. In view of the fact that the counsel, who is practicing at Thanjavur, has not followed this Criminal Revision Case and now, the revision petitioner is also suffering with COVID-19, this Court is inclined to entertain this petition on condition that the present counsel Mr.K.R.Laxman, who filed this petition on behalf of the revision petitioner, shall proceed with the Criminal Revision Case during the second week of October 2020. Further, since the revision petitioner has already been enlarged on bail by suspending the sentence in Crl.M.P.(MD)No.734 of 2016 in Crl.R.C.(MD)No.31 of 2016 on 05.02.2016 and also executed sureties before the concerned Court, no separate order is passed for executing any sureties in this matter. Therefore, the concerned Jail Authority shall release him forthwith based on the orders of this Court.

7. Accordingly, the Criminal Miscellaneous Petition is allowed.

sd/-
18/09/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. THE II ADDITIONAL DISTRICT & SESSIONS JUDGE,
(FAST TRACK COURT), THANJAVUR.
2. THE JUDICIAL MAGISTRATE, FAST TRACK COURT,
THANJAVUR.
3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
4. THE OFFICER INCHARGE, SUB JAIL,
KUMBAKONAM, THANJAVUR DISTRICT.

ORDER
IN
CRL MP (MD) No.4657 of 2020
IN
CRL RC (MD) No.31 of 2016
Date :18/09/2020

MS/PN/SAR-2/18.09.2020/3P.5C