



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fifth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.471 of 2021

IN CRL RC.40 of 2021

L.MANGALRAJ

[PETITIONER]

Vs

THE STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
COIMBATORE,
(CRIME NO.9 OF 2007).

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the Sentence to the petitioner by the Order dated 23.12.2020 in Crl.A.No.320/2018 on the file of V Additional District Judge, Coimbatore confirming the Order dated 10.07.2018 in CC.No.712/2007 on the file of Judicial Magistrate No.II of coimbatore pending disposal of the above Crl.R.C.NO.40 of 2021.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S. R.RAJARAJAN, Advocate for the Petitioner and of MR.S.SUGENDRAN, Govt. Advocate (Crl. Side) on behalf of the Respondents the court made the following order:-

The Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking suspension of sentence of imprisonment by the judgment dated 23.12.2020 in C.A.No.320 of 2018 on the file of the V Additional District Judge, Coimbatore, confirming the order dated 10.07.2018 passed in C.C.No.712 of 2007 on the file of the Judicial Magistrate No.II, Coimbatore pending disposal of the above criminal revision.



2. Learned counsel for the petitioner would submit that the petitioner was arrested pursuant to a warrant issued by this Court. He would submit that the trial Court had convicted the petitioner to undergo one year R.I. and to pay a fine of Rs.2000/- in default to undergo one month simple imprisonment for the offence under Section 408 IPC. On Appeal, the Appellate Court also confirmed the same. Further, he would submit that the petitioner got arguable points in this case. In this case, the evidence of PW1 who is stated to have given the complaint is not clear and categorical. The respondent has relied on Exs.P6 and Ex.P7, which are stated to be confession letters given by the petitioner. The courts below failed to take note of the fact that the letters have not been marked in accordance with the principles of the Evidence Act. He would further submit that the petitioner was arrested and remanded to the judicial custody on 22.04.2021 and he has almost completed 50% of conviction and prayed for suspension of sentence.

3. Mr.S.Sugendran, learned Government Advocate (Criminal side) appearing for the respondent would submit that the petitioner was arrested on 22.04.2021 and he is in custody for more than 7 months. He would further submit that the prosecution has proved the case beyond all the doubts and the conviction and sentence of the trial court has been confirmed by the Appellate Court.

4.Heard the learned counsels and perused the materials on record.

5.Taking into consideration the fact that the petitioner is in custody from 22.04.2021 and has suffered more than 50% of sentence, this Court is of the view that the sentence of imprisonment may be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be enlarged on bail, on the following conditions:-

i.The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.II, Coimbatore.

ii.The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.



5. This Criminal Miscellaneous Petition stands ordered accordingly. Post the Criminal Revision on 03.12.2021.

WEB COPY

-sd/-
25/11/2021

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 V ADDITIONAL DISTRICT JUDGE,
COIMBATORE.

2 THE JUDICIAL MAGISTRATE,
NO.II, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION].

4 THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S. R.RAJARAJAN Advocate on payment of necessary charges SR.NO.13437

Order
in
CRL MP.471/2021
in
CRL RC.40/2021

Date :25/11/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

JPA 25/11/2021