

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.M.P.No.5160 of 2021

in Crl.RC.No.236 of 2021

Sakthivel

...petitioner

-Vs-

State rep. By
The Inspector of Police,
Chunambedu Police Station
Crime No.76 of 2008

...Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397 r/w 401 of Cr.P.C. to suspend the sentence passed in C.A.No.30 of 2016 on the file of the Principal Sessions Judge, Kancheepuram at Chengalpattu dated 23.12.2020 confirming the judgment in C.C.No.202 of 2008 on the file of the Judicial Magistrate, Maduranthagam, dated 29.06.2016, pending disposal of the Criminal Revision.

For Petitioner : Mr.C.K.M.Appaji

For Respondent : Mr.A.Damodaran
Government Advocate (Crl.Side)

ORDER

(The case has been heard through video conference)

This criminal miscellaneous petition has been filed against the judgment dated 23.12.2020 in C.A.No.30 of 2017 on the file of Principal Sessions Court, Kancheepuram at Chengalpattu, wherein, the petitioner was convicted for the offences under Sections 279, 338 and 304-A and is sentenced under Section 279 IPC to undergo simple imprisonment for a period of 3 months and also to pay a fine of Rs.500/- in default to undergo simple imprisonment for further period of 2 weeks, under Section 338, to undergo simple imprisonment for a period of 3 months and also to pay a fine of Rs.500/- in default to undergo simple imprisonment for further period of 2 weeks, under Section 304-A, to undergo simple imprisonment for a period of 1 year and also to pay fine of Rs.1000/- in default of which to undergo simple imprisonment for further period of 1 month. The above said substantive periods of imprisonment will run concurrently.

2.The learned counsel for the petitioner submitted that the evidence has not been properly appreciated and there is a fair chance for the petitioner to be acquitted in Criminal Revision Case.

3. The learned Government Advocate appearing for the respondent submitted that the Court below has appreciated the entire evidence and has given elaborate reasons for convicting and sentencing the petitioner.

4. Along with the Criminal Revision Petition, the petitioner filed a petition to suspend the sentence. Considering the above fact that the petitioner was imposed imprisonment for a period of below three years, this Court is inclined to suspend the sentence alone and enlarge the petitioner on bail.

5. Accordingly, this miscellaneous petition is ordered and the sentence alone imposed by the Court below vide order dated 23.12.2020 passed in C.A.No.30 of 2016 on the file of the learned Principal Sessions Judge, Kancheepuram at Chengalpattu, is hereby suspended and the petitioner is directed to be enlarged on bail, on condition that 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 learned learned Principal Sessions Judge, Kancheepuram at Chengalpattu, within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of the concerned court and also the petitioner shall pay the fine as ordered by the trial court within a period of two weeks, if not already paid, and on such deposit of fine, the petitioner is ordered to be released on bail till the disposal of this criminal revision and he shall appear before the said Court once in 15 days of every English monthly calender at 10.30 am, from the date of lifting of lockdown and commencement of regular functioning of Court below, until further orders.

-sd/-

09/06/2021

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 PRINCIPAL SESSIONS JUDGE,
KANCHEEPURAM AT CHENGALPATTU.

2 THE JUDICIAL MAGISTRATE,
MADURANTHAGAM.

3 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
CHUNAMBEDU POLICE STATION,

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.C.K.M.APPAJI Advocate on payment of necessary
charges SR.NO.6437

Order

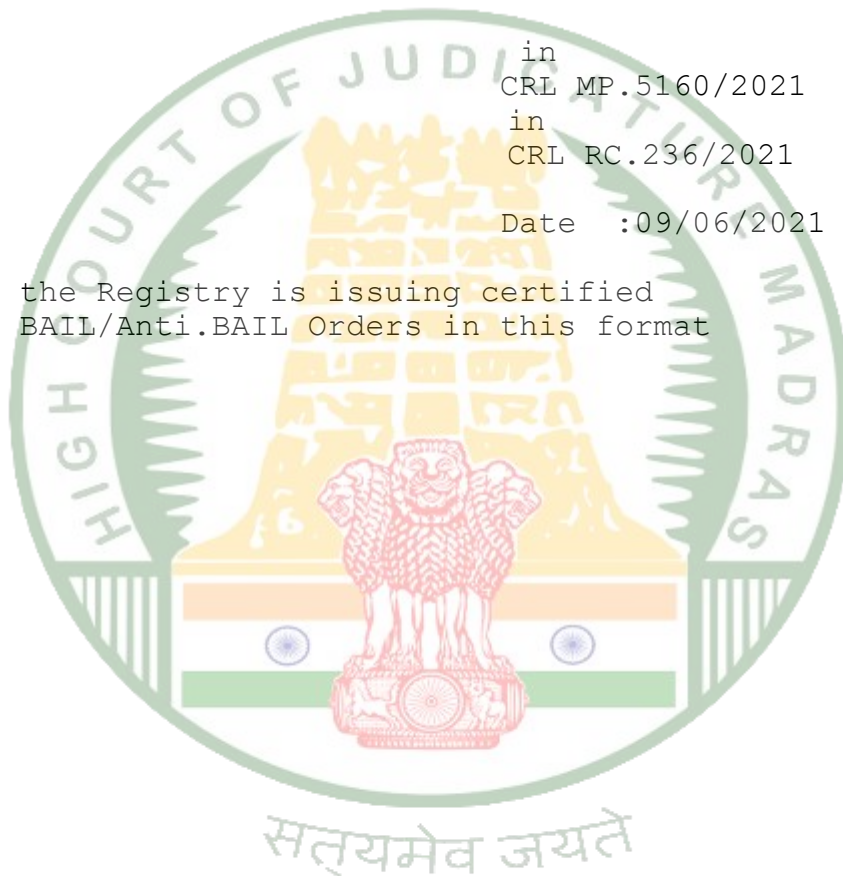
in
CRL MP.5160/2021

in
CRL RC.236/2021

Date :09/06/2021

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TA-16/06/2021



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