



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of December Two Thousand Twenty One

PRESENT

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

Crl.MP.Nos.1933, 1937, 1940, 1944, 1948, 1988,

1993, 1996, 1997, 1999 & 2001 of 2021

in Crl.A.Nos.75, 77, 78, 80, 83 to 89 of 2021

CHINNAKANNU

[PETITIONER/APPELLANT
IN ALL THE PETITIONS]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
CCIW CID POLICE,
KANCHEEPURAM.
CR.NO.03/2006.
CR.NO.02/2007.

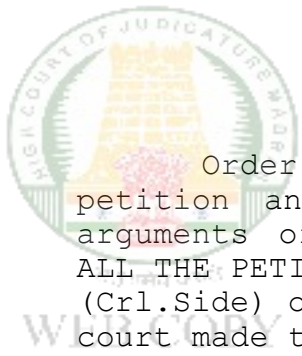
[RESPONDENT IN ALL THE PETITIONS]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence imposed on the petitioner by the learned Additional sessions Judge (Fast Track court), Kancheepuram in Crl.A.Nos.25, 24, 19, 20, 22, 21, 23 & 26 of 2019 dated 16.12.2020 reversing the order of acquittal passed by the learned Judicial Magistrate No.1, Kancheepuram in C.C.Nos.187, 186, 181, 182, 184, 183, 185 & 188 of 2006 dated 17.12.2018 and enlarge the petitioner on bail, pending disposal of the above Crl.A.Nos.75, 77, 78, 80, 83, 85, 86 & 89 of 2021.

(Crl.MP.Nos.1933, 1937, 1940, 1944, 1948, 1993, 1996 & 2001 of 2021 in Crl.A.Nos.75, 77, 78, 80, 83, 85, 86 & 89 of 2021)

(ii) To suspend the sentence imposed on the petitioner by the learned Additional sessions Judge (Fast Track court), Kancheepuram in Crl.A.Nos.12, 11, 10 of 2019 dated 16.12.2020 reversing the order of acquittal passed by the learned Judicial Magistrate No.1, Kancheepuram in C.C.Nos.91, 90, 89 of 2008 dated 17.12.2018 and enlarge the petitioner on bail, pending disposal of the above Crl.A.Nos.84, 87, 88 of 2021. (Crl.M.P.No.1988, 1997, 1999 of 2021 in Crl.A.Nos.84, 87, 88 of 2021)

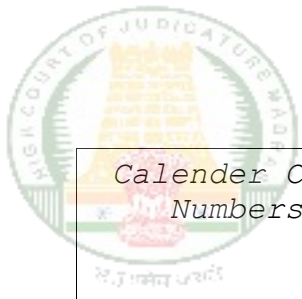


Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.S.PARTHASARATHY, Advocate for the petitioner, [IN ALL THE PETITIONS] and of M/S.S.SUGENDRAN, Govt. Advocate (Crl.Side) on behalf of the Respondent, [IN ALL THE PETITIONS] the court made the following order:-

These miscellaneous petitions have been filed seeking to suspend the sentences of imprisonment imposed on the petitioner/appellant and enlarge the petitioner on bail, pending disposal of the criminal appeals.

2 The learned counsel appearing for the petitioner/appellant would submit that the respondent police had registered two cases 1) Crime No.3 of 2006 for the offence under Sections 409, 467, 468, 471 and 477 (A) of IPC and 2) Crime No.2 of 2007 for the offence under Sections 409, 467, 468, 471 and 477 (A) of IPC and after investigation laid 11 final reports charge sheets and all the cases were taken up by the learned Judicial Magistrate No.I, Kancheepuram, in C.C.Nos.181 to 188 of 2006 and C.C.Nos.89, 90 & 91 of 2008 and the learned Magistrate, after trial, found the petitioner/appellant not guilty for the offence charged against him in all the cases and thereby by judgment dated 17.12.2018, had acquitted the petitioner/appellant from all the charges, against which, the respondent police had preferred appeals in C.A.Nos.19 to 26 and 10 to 12 of 2019. The appeals had been listed for hearing on 17.03.2020 during the initial days of covid, the petitioner being a senior citizen aged about 75 years was held up in his daughter's house at Bangalore and due to the National lock down, the petitioner was unable to travel back to Tamil Nadu. Hence he had sent a letter dated 25.11.2020 to the appellate Court seeking adjournment, whereas, the appellate Court finding that the petitioner was absent and not represented, had engaged a legal aid counsel and thereafter the appeals were heard and allowed and the petitioner was found guilty and by judgment dated 16.12.2020 convicted and sentenced him as stated below:

<i>Calender Case Numbers</i>	<i>Criminal Appeal Number before the lower appellate Court</i>	<i>Conviction made by the appellate Court</i>	<i>Sentence imposed by the appellate Court</i>
C.C.No.181/200 (Cr.No.3/2006)	C.A.No.19 of 2019	409	10 years RI and to pay fine of Rs.10,000/-, i/d, one year RI



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Calender Case Numbers	Criminal Appeal Number before the lower appellate Court	Conviction made by the appellate Court	Sentence imposed by the appellate Court
C.C.No.182/2006 (Cr.No.3/2006)	C.A.No.20 of 2019	467	10 years RI and to pay fine of Rs.10,000/-, i/d, one year RI
C.C.No.183/2006 (Cr.No.3/2006)	C.A.No.21 of 2019	468	3 years RI and to pay fine of Rs.5,000/-, i/d, three months SI
C.C.No.184/2006 (Cr.No.3/2006)	C.A.No.22 of 2019	471	3 years RI and to pay fine of Rs.3,000/-, i/d, three months SI
C.C.No.185/2006 (Cr.No.3/2006)	C.A.No.23 of 2019	477(A)	7 years RI and to pay fine of Rs.5,000/-, i/d, six months SI
C.C.No.186/2006 (Cr.No.3/2006)	C.A.No.24 of 2019	In all the appeals, the petitioner was convicted and sentenced as stated above	
C.C.No.187/2006 (Cr.No.3/2006)	C.A.No.25 of 2019		
C.C.No.188/2006 (Cr.No.3/2006)	C.A.No.26 of 2019		
C.C.No.89/2008 (Cr.No.2/2007)	C.A.No.10 of 2019		
C.C.No.91/2008 (Cr.No.2/2007)	C.A.No.12 of 2019		
C.C.No.90/2008 (Cr.No.2/2007)	C.A.No.11 of 2019	409	10 years RI with fine of Rs.10000/-, i/d, one year RI
		477(A)	7 years RI with fine of Rs.5000/-, i/d, six months SI

3 The learned counsel for the petitioner/appellant would further submit that the petitioner is the senior citizen and the appellate Court, despite the acquittal by the trial Court, without affording opportunity, had allowed the appeal and convicted the



petitioner. The petitioner is a differentially abled person with 70% of disability and he is in prison from 16.12.2020 and fine amount has not been paid so far. He would further submit that fine amount would be deposited at the time of furnishing sureties. He would further submit that there are arguable grounds available in these appeals and thereby he would seek for suspension of sentence.

4 Mr.S.Sugendran, learned Government Advocate (Crl.Side) appearing for the respondent would submit that the trial Court on an erroneous grounds without considering the materials available on record, had acquitted the petitioner and hence the respondent/State had filed appeals against the acquittal and the lower appellate Court after careful analysis of the materials available on record, had found the petitioner guilty and convicted and sentenced. However, he would admit that the petitioner is aged about 75 years and that the fine amount has not been paid so far.

5 Heard the learned counsel on either side and perused the materials available n record.

6 Taking into consideration the submissions made by the learned counsel on either side and the fact that the petitioner is a senior citizen and is in prison from 16.12.2020, the substantive sentence of imprisonment alone can be suspended on conditions.

7 Accordingly, the sentences of imprisonment imposed in all the cases stated above alone are hereby suspended till the disposal of the criminal appeals and the petitioner/appellant is ordered to be enlarged on bail on condition that the petitioner shall deposit the entire fine amount imposed in all the above cases and on his executing a bond for Rs.25,000/- [Rupees twenty five thousand only] with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Kancheepuram, and on further condition that the petitioner shall report before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

-sd/-
08/12/2021

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.



1 THE ADDITIONAL SESSIONS JUDGE
(FAST TRACK COURT) KANCHEEPURAM.

2 THE JUDICIAL MAGISTRATE,
NO.1, KANCHEEPURAM.

3 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
CCIW CID POLICE,
KANCHEEPURAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, THORAPPADI,
VELLORE DISTRICT.

+10 C.C. to M/S.S.PARTHASARATHY Advocate on payment of necessary
charges SR.Nos.14309, 14311, 14312, 14313, 14314, 14315, 14316,
14317, 14318, 14319

Order

in
Crl.MP.Nos.1933, 1937, 1940, 1944, 1948,
1988, 1993, 1996, 1997, 1999 & 2001 of 2021
in
Crl.A.Nos.75, 77, 78, 80, 83 to 89 of 2021

Date :08/12/2021

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

TA-09/12/2021