



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Third day of December Two Thousand Twenty One

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION NOS.12381 AND 12383 of 2021

IN CRL.R.C.NO.875 of 2021

SADIKBASHA

[PETITIONER]

Vs

THE STATE REPBY
THE INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEM DISTRICT
(CR NO.617/2014)

[RESPONDENT]

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

(i)suspend the sentence of imprisonment imposed in the judgment dated 21/12/2020 in C.A.No.241/2019 on the file of the Additional District(Fast Track), Mettur confirming the judgment dated 08/11/2019 in C.C.No.39/2015 on the file of Judicial Magistrate No.I, Mettur pending disposal of the above CRL.RC.NO.875/2021 (IN CRL.MP.NO.12381/2021)

(ii)Exempt the petitioner to surrender the petitioner before the trial court in C.C.NO.39/2015 on the file of Judicial Magistrate No.I, Mettur to file this revision or pass any other order or direction this Hon'ble court may deem fit and thus render justice. (CRL.MP.NO.12383/2021 IN CRL.RC.NO.875/2021)

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

These Criminal Miscellaneous Petitions have been filed by the Petitioner/Accused, seeking suspension of sentence of imprisonment, imposed by the judgment, dated 08.11.2019 passed in C.C.No.39 of 2015, by the learned Judicial Magistrate I, Mettur and confirmed by the judgment, dated 21.12.2020, made in C.A.No.241 of 2019, by the



learned Additional District (Fast Track), Mettur and to exempt the Petitioner/ Accused, from surrendering before the Trial Court, pending disposal of the Criminal Revision Case.

2. In and by both the impugned judgements, the Petitioner/ accused was convicted for the offence under Section 279, 337 and 304 (A) IPC and sentenced to undergo six months S.I. With fine Rs.1000/- in default to undergo one month S.I. for the offence under section 279 IPC, six months S.I. with fine Rs.500/- in default to undergo one month S.I. for the offence 337 IPC, 2 years S.I. with fine Rs.2000/- in default to undergo three month S.I. for the offence under Section 304(A) IPC.

3. According to the learned counsel for the Petitioner/accused, there are arguable points available in the Criminal Revision Case, which is not likely to be taken for final hearing in the near future and the Petitioner/ accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the sentence imposed against the Petitioner/Accused may be suspended and the Petitioner may be exempted from surrendering before the Trial Court.

4. Heard the learned counsel for the petitioner and perused the materials on record.

5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner, this Court is of the view that the sentence of imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of exemption from surrender before the Trial Court, suspension of sentence and bail are granted, on the following conditions :-

- i. The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, No. I, Mettur.
- 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.

6. The Criminal Miscellaneous Petitions are ordered accordingly.

-sd/-

03/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



TO

1 THE JUDICIAL MAGISTRATE,
NO.I, METTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT [FOR INFORMATION]

3 THE ADDITIONAL DISTRICT
(FAST TRACK), METTUR.

4 THE INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.R.NALLIYAPPAN Advocate on payment of necessary
charges

Order
in
CRL MP.NOs.12381&12383/2021
in
CRL.RC.NO.875/2021
Date :03/12/2021

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

CSK 03/12/2021