

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.M.P.No.5739 of 2021

and

Crl.R.C.No.288 of 2021

Jayaraman

...Petitioner

-Vs-

The State rep. by
The Inspector of Police,
Q Branch CID, Chennai City,
Chennai - 600005.
Cr.No.1/2002

...Respondent

Criminal Miscellaneous Petition is filed under Section 397(1) of Cr.P.C. to suspend the sentence imposed upon this petitioner in C.A.No.501 of 2018 dated 23.12.2020 on the file of the learned VI Additional Sessions Judge, Chennai in C.C.No.17257/03 on the file of the IInd Metropolitan Magistrate, Egmore, Chennai and enlarge the petitioner on bail.

For Petitioner : Mr.M.S.Govindarajan

For Respondent : Mrs.V.Sharadha Devi
Government Advocate (Crl.Side)

ORDER

The petitioner figured as accused in C.A.No.501 of 2018 on the file of learned VI Additional Sessions Judge, City Civil Court, Chennai, has been found guilty of the offence u/s 12(1)(b) of Passport Act, 1967 and u/s. 120B, 465, 467, 468, r/w 471, 472, 474 of IPC. By the impugned judgment dated 23.12.2020, the first appellate Court convicted the petitioner and sentenced to undergo six months Simple Imprisonment along with a fine of Rs.1000/- for each offences in default to undergo one month Simple Imprisonment. Challenging the said judgment, the petitioner has filed the above miscellaneous petition seeking suspension of substantive sentence of imprisonment.

2. The learned counsel for the petitioner submitted that the petitioner has already paid the fine amount imposed by the first appellate Court. The learned counsel further submitted that the petitioner is aged about 50 years.

3. The learned Government Advocate appearing for the respondent brings to the notice of this Court that it is a case involving recovery of 63 passports.

4. The learned counsel for the petitioner would rebut by saying that only 5 passports were seized from the petitioner. The cause of action had arisen way back in the year 2002. The petitioner's counsel firmly asserts that subsequent to the present cause of action, the petitioner had not come under any adverse notice.

5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner and learned Government Advocate, there are arguable points which requires consideration in the revision and the revision cannot be taken up for hearing in the near future. Therefore, this Court is inclined to suspend the sentence imposed by the Court below.

6. The sentence imposed by the Court below vide Judgment made in C.A.No.501 of 2018 dated 23.12.2020 on the file of learned VI Additional Sessions Judge, City Civil Court, Chennai 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 II Metropolitan Magistrate, Egmore, Chennai and the petitioner shall appear before the said Court on the first working day of every English Calendar month at 10.30 A.M. until further orders.

7. Accordingly, this petition is ordered.

-sd/-

06/05/2021

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

TRUE COPY

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 II METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

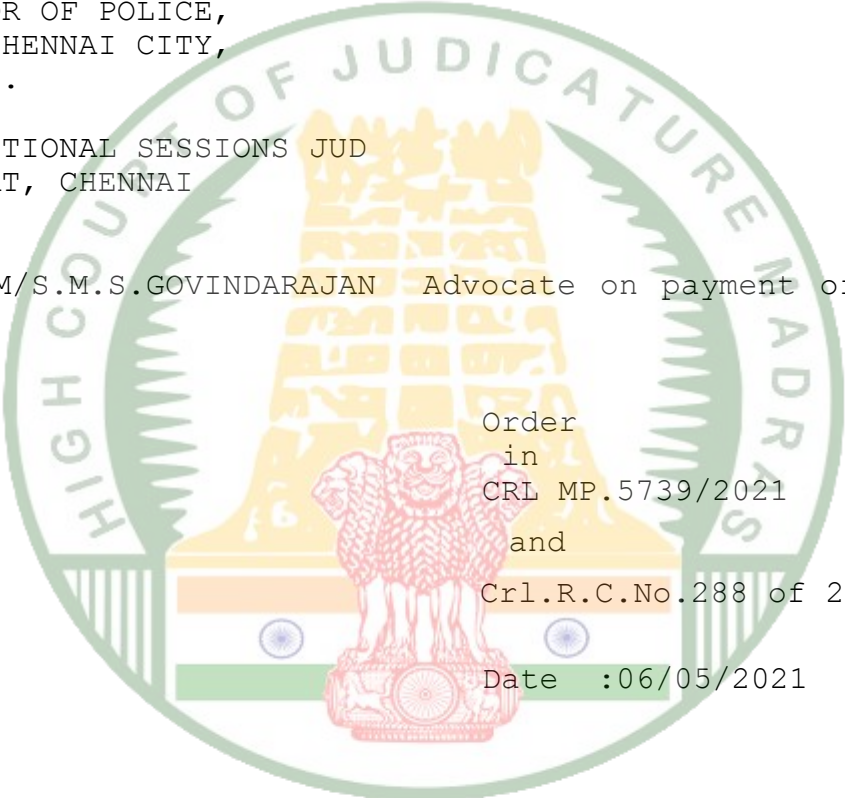
2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
Q BRANCH CID, CHENNAI CITY,
CHENNAI-600 005.

5 THE VI ADDITIONAL SESSIONS JUD
CITY CIVIL COURT, CHENNAI

C.C. to M/S.M.S.GOVINDARAJAN Advocate on payment of necessary
charges Sr.6019

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion standing in front of it. The lion is facing forward and is flanked by two smaller lions. The entire emblem is set against a green background with a white border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular path around the central emblem.

Order
in
CRL MP.5739/2021
and
Crl.R.C.No.288 of 2021
Date :06/05/2021

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

RVR 28/06/2021

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