



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fifteenth day of November Two Thousand Twenty One

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.4880 of 2021

IN CRL.RC.No.210/2021

SANTHAKUMAR

[PETITIONER/APPELLANT/ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
J-3, GUINDY,
TRAFFIC INVESTIGATION,
CHENNAI.

[RESPONDENT/COMPLAINANT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the order of conviction and sentence passed as against the petitioner herein by the Honble IV Additional Sessions Judge, City Civil Court, Chennai, in Criminal Appeal No.123 of 2016 dated 17.02.2021, confirming the Judgment of the **(*)Honble 4th Metropolitan Magistrate at Saidapet, Chennai** in C.C.No.10698 of 2010, dated 11.04.2016 and enlarge the petitioner on bail, till the disposal of the above Criminal Revision

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. A.EDWIN PRABAKAR, Advocate for the petitioner and of MR.S.SUGENDRAN, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the Petitioner/Accused, seeking suspension of sentence of imprisonment, imposed by the judgment, dated 17.02.2021, made in Crl.A.No.123 of 2016, by the IV Additional Sessions Judge, City Civil Court, Chennai confirming the judgment of **(*)Honble 4th Metropolitan Magistrate at Saidapet, Chennai** made in CC.No.10698 of 2010, dated 11.04.2016 pending disposal of the Criminal Revision Case.

2. This court heard the learned counsel on either side and also perused the materials placed on record.



3. In and by the impugned judgement, the Petitioner/ accused was convicted and sentenced to six months simple imprisonment for the offence under Sections 279 IPC and two years simple imprisonment for the offence under Section 304(A) IPC.

4. 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 substantive sentence imposed against the Petitioner/Accused may be suspended. He would further submit that the petitioner is in custody from 17.02.2021 for the past nine months.

5. The learned Government Advocate (Crl. Side) has raised objections for suspending the sentence.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, the substantive sentence of imprisonment alone is suspended and the Petitioner/ accused is ordered to be enlarged on bail, on the following conditions:-

i. The Petitioner/ accused 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 **(*)Honble 4th Metropolitan Magistrate at Saidapet, Chennai**

ii. The Petitioner//accused shall report before **(*)Honble 4th Metropolitan Magistrate at Saidapet, Chennai**, on the first working day of every English Calendar month at 10.30 a.m., until further orders.

-sd/-

15/11/2021

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.



(*)Amended as per order of this Court dated 15.11.2021 made in
Crl.M.P.No.11938/2021 in Crl.R.C.No.210/2021

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TO

1 IV ADDITIONAL SESSIONS JUDGE
CITY CIVIL COURT CHENNAI

(*)2 THE IV METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI

3 THE IV METROPOLITAN MAGISTRATE
EGMORE, CHENNAI

4 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI

5 THE INSPECTOR OF POLICE,
J-3, GUINDY, TRAFFIC INVESTIGATION,
CHENNAI.

6 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

7 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS

+2 C.C. to M/S. A.EDWIN PRABAKAR Advocate on payment of
necessary charges SR.No.13031,13086

Order

in
CRL MP.4880/2021

in
CRL.RC.No.210/2021

Date :15/11/2021

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

APN 15/11/2021

APN 22/11/2021