

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.M.P.No.5595 of 2021

in

Crl.RC.No.260 of 2021

K.Manoharan

... Petitioner

-Vs-

The Inspector of Police,
District Crime Branch,
Nagapattinam
Crime No.11/1994

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C. to suspend the sentence imposed upon this petitioner by order dated 12.10.2011 in CC.No.517 of 2001 on the file of the Court of Judicial Magistrate No.1 at Nagapattinam confirmed in order dated 19.03.2021 in CA.No.75 of 2011 on the file of the Court of Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court) Nagapattinam and enlarge the petitioner on bail pending disposal of the above Crl.RC.

For Petitioner : Mr.R.T.Shyamala

For Respondent : Mr.Charles Premkumar
Government Advocate (Crl.Side)

ORDER

The petitioner figured as 2rd accused in CA.No.75 of 2011 on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court) at Nagapattinam has been found guilty of offences under Sections 409 r/w Section 34 of IPC and 420 r/w 34 of IPC. By the impugned judgment dated 12.10.2011, the first appellate court convicted and sentenced the petitioner to undergo simple imprisonment for a period of six months for each of the above said offences and to pay a fine of Rs.500/- for each of the abovesaid offences in default to undergo simple imprisonment for a further period of two months each for the abovesaid offences. The period of sentence shall run concurrently. The period of imprisonment already undergone by the second accused is ordered to be set off under Section 428 of Cr.P.C. Challenging the above said judgment, the petitioner has filed the present petition seeking suspension of substantive sentence of imprisonment.

2. The learned counsel for the petitioner submitted that the petitioner has already spent about 146 days in custody and he is aged about 62 years.

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

5. The sentence imposed by the Court below vide Judgment made in CA.No.75 of 2011 dated 12.10.2011 passed by the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court) at Nagapattinam, is hereby suspended and the petitioner (A2) 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 Judicial Magistrate No.1 at Nagapattinam and shall appear before the said court on the first working day of every English Calendar month at 10.30 a.m. until further orders.

6. This petition is ordered accordingly.

-sd/-

13/05/2021

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

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

TO

1 THE SESSIONS JUDGE,
MAGALIR NEETHIMANDRAM
(FAST TRACK MAHILA COURT),
NAGAPATTINAM.

2 THE JUDICIAL MAGISTRATE NO.I,
NAGAPATTINAM.

3 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL JAIL, CUDDALORE.

5 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAGAPATTINAM.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

Order

in
CRL MP.5595/2021

in
CRL RC.260/2021

Date :13/05/2021

From 7.2.2001 the Registry is issuing certified
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MK:20/05/2021

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