

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.M.P.No.5510 of 2021

and

Crl.R.C.No.251 of 2021

K.Manoharan

...Petitioner

-Vs-

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

...Respondent

Criminal Miscellaneous Petition is filed under Section 397(1) of Cr.P.C. to suspend the sentence imposed upon this petitioner by order dated 12.10.2011 in C.C.No.210 of 2001 on the file of the Court of Judicial Magistrate No.1 at Nagapattinam confirmed in order dated 19.03.2021 in C.A.No.70 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.R.C.

For Petitioner : Mrs.R.T.Shyamala

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

ORDER

The petitioner figured as accused in C.A.No.70 of 2011 on the file of learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court) Nagapattinam, has been found guilty of offences under Sections 468, 471, 477A, 409 and 420 r/w Sec.34 of IPC. By the impugned judgment dated 19.03.2021, the first appellate Court convicted and sentenced the petitioner to undergo six months Simple Imprisonment along with a fine of Rs.500/- for each offences in default to undergo two months Simple Imprisonment. Challenging the judgment passed in C.A.No.70 of 2011 dated 19.03.2021 on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court) Nagapattinam, 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 spent about 5 months in custody and he is aged about 52 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, 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.

5. The sentence imposed by the Court below vide Judgment made in C.A.No.70 of 2011 dated 19.03.2021 on the file of learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court) Nagapattinam, 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 Judicial Magistrate No.1 at Nagapattinam and the petitioner shall appear before the said Court on the first working day of every English Calender month at 10.30 A.M. until further orders.

6. 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

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

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, NAGAPATTINAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM(FOR INFORMATION)

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

4 INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAGAPATTINAM,

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL JAIL, CUDDALORE

C.C. to M/S. R.T.SHYAMALA Advocate on payment of necessary
charges Sr.6015

Order

in
CRL MP.5510/2021

and
Crl.R.C.No.251 of 2021

Date :06/05/2021

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RVR 13/05/2021

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