

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.M.P.No.5654 of 2021

and Crl.R.C.No.268 of 2021

1. Veeman
2. Raja

...Petitioners

-Vs-

State by
The Station House Officer,
Chinnasalem Police Station.
Cr.No.267 of 2012.

...Respondent

Criminal Miscellaneous Petition is filed under Section 397(1) of Cr.P.C. to suspend the sentence imposed on them in Criminal Appeal No.1/2021 dated 11.02.2021 by the learned Principal Sessions Judge, Villupuram, confirming the judgment rendered in S.C.No.199/2013 by the learned Principal Assistant Sessions Judge, Kallakurichi pending disposal of the criminal revision petition.

For Petitioner : Mr.A.G.Rajan

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

ORDER

The petitioners figured as accused 1 and 2 in C.A.No.1 of 2021 on the file of learned Principal Sessions Judge, Villupuram. By the impugned judgment dated 11.02.2021, the first appellate Court convicted and sentenced the 1st petitioner/A1 to undergo one year Rigorous Imprisonment in default Simple Imprisonment for four months for the offence u/s.324 of I.P.C and to undergo three years Rigorous Imprisonment with fine of Rs.5000/- in default to undergo six months Simple Imprisonment for the offence u/s.307 of I.P.C. The First Appellate Court convicted and sentenced the 2nd petitioner/A2 to undergo one year Rigorous Imprisonment with fine of Rs.2000/- in default Simple Imprisonment for four months for the offence u/s.324 of I.P.C. Challenging the judgment passed in C.A.No.1 of 2021 dated 11.02.2021 on the file of the learned Principal Sessions

Judge, Villupuram, the petitioner has filed the above miscellaneous petition seeking suspension of substantive sentence of imprisonment.

2. The learned counsel for the petitioners submitted that the petitioners are in custody since 15.03.2021 and the first petitioner is aged about 62 years and second petitioner is aged about 36 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.1 of 2021 dated 11.02.2021 on the file of learned Principal Sessions Judge, Villupuram is hereby suspended and the petitioners are directed to be enlarged on bail, on condition that the petitioners 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 Principal Assistant Sessions Judge at Kallakurichi and the petitioners 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

सत्यमेव जयते

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

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TO

1 THE PRINCIPAL ASSISTANT SESSIONS JUDGE,
KALLAKURICHI.

2 THE PRINCIPAL SESSIONS JUDGE,
VILLUPURAM.

3 THE STATION HOUSE OFFICER,
CHINNASALEM POLICE STATION.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

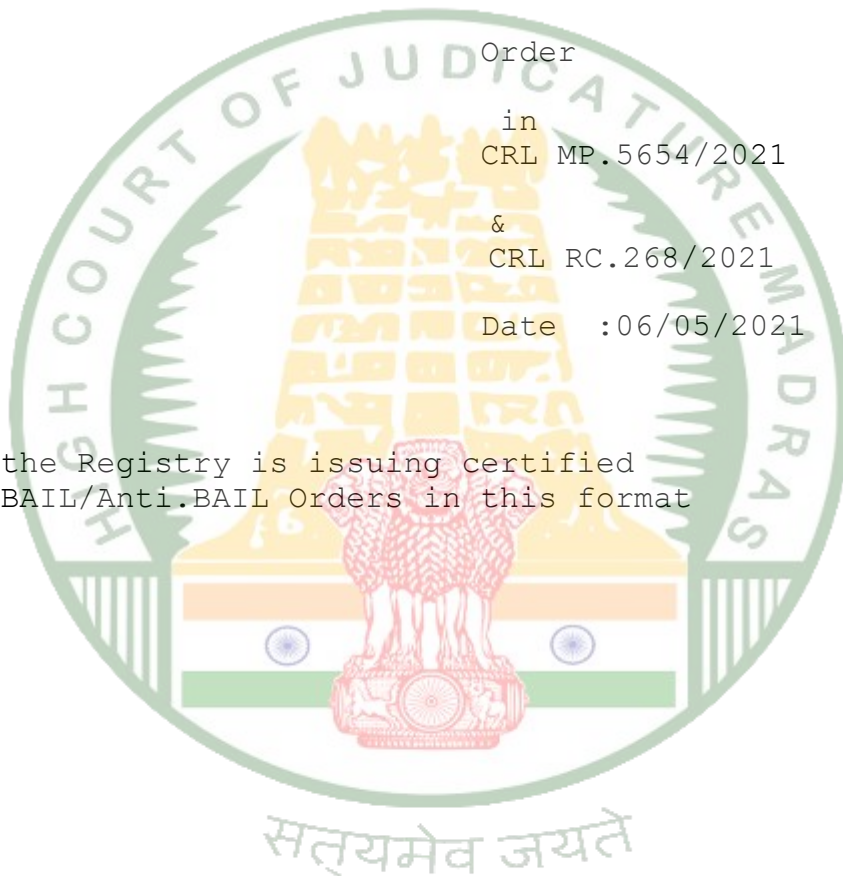
5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+ 1 C.C. to M/S.A.G.RAJAN Advocate on payment of necessary charges
SR.NO. 5990

Order
in
CRL MP.5654/2021
&
CRL RC.268/2021
Date :06/05/2021

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