

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.MP.No.5683 of 2021

in

Crl.RC.No.274 of 2021

1.K.B.Sivakumar
2.K.B.Moorthy

...Petitioners

-Vs-

Inspector of Police,
Kothagiri Police Station,
Nilgiris District.
(Crime No.44 of 2016)

...Respondent

Criminal Miscellaneous Petition is filed under Section 397(1) of Cr.P.C. to suspend the sentence imposed against the petitioners in the judgment dated 28.05.2018 in CC No.38 of 2016 on the file of the Learned Judicial Magistrate Court, Kothagiri as modified by the judgment dated 15.04.2021 in Crl.A.No.34 of 2018 on the file of the Learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Udhagamandalam at Nilgiris pending disposal of the above Criminal Revision Case.

For Petitioners : Mr.ARL.Sundaresan, SC
for M/s.AL Ganthimathi

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

ORDER

The petitioners figured as accused 1 and 2 in C.A.No.34 of 2018 on the file of the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Udhagamandalam at Nilgiris and have been convicted and sentenced to undergo 3 years Rigorous Imprisonment and to pay a fine of Rs.5000/- each and in default to undergo Rigorous Imprisonment for 1 month for the offence u/s.326 of I.P.C. Challenging the judgment passed in C.A.No.34 of 2018 dated 15.04.2021, the petitioners have filed the above miscellaneous petition seeking suspension of substantive sentence of imprisonment.

2. The learned Senior Counsel appearing for the petitioners submitted that the petitioners are in custody for about 1 month and they are having valid points to argue the revision petition on merits.

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.34 of 2018 dated 15.04.2021 on the file of learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Udhagamandalam at Nilgiris, 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 Judicial Magistrate, Kothagiri 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

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सत्यमेव जयते

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

TO

1 THE JUDICIAL MAGISTRATE COURT
KOTHAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE
NILGIRIS (FOR INFORMATION)

3 THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM (FAST TRACK MAHILA COURT),
UDHAGAMANDALAM AT NILGIRIS

4 THE INSPECTOR OF POLICE,
KOTHAGIRI POLICE STATION,
NILGIRIS DISTRICT

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.AL.GANTHIMATHI Advocate on payment of necessary
charges Sr.6052

Order

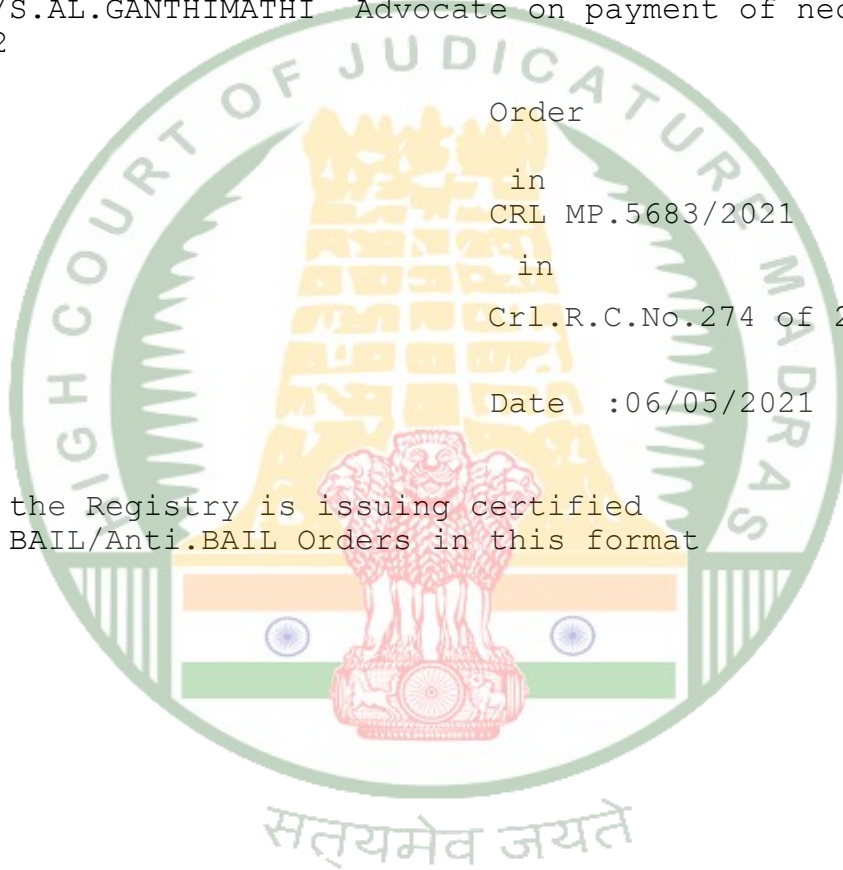
in
CRL MP.5683/2021

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Crl.R.C.No.274 of 2021

Date :06/05/2021

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RVR 12/05/2021



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