

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

CrI.M.P.No.5722 of 2021

in

CrI.R.C No.280 of 2021

K.Santhanam

...Petitioner

-Vs-

The State,
Rep.by the Inspector of Police,
Crime Branch CID,
Salem Unit,
Salem District.
(Crime No.2/1994).

....Respondent

Criminal Miscellaneous Petition is filed under Section 397(1) of Cr.P.C. to suspend the sentence of imprisonment imposed on the petitioner by judgment dated 12.05.2017 passed in C.C.No.259/2010 by the Judicial Magistrate-4, Salem as confirmed by the II Additional District Sessions Court, Salem by Judgment dated 31.03.2021 passed in C.A.No.58/2017.

For Petitioner : S.Ramachandran

For Respondent : Mrs.V.Saradha Devi
Government Advocate (CrI. Side)

ORDER

The petitioner figured as accused in C.C.No.259/2010 on the file of the Judicial Magistrate-4, Salem and was found guilty of the offences under Sections 409, 471, 120B r/w Section 468, 120B r/w Section 467 and 120B r/w Section 420 of IPC and sentenced to undergo two years Rigorous Imprisonment and pay fine of Rs.500/- for each of the offences, in default to undergo Simple Imprisonment for another two months. It was confirmed in appeal vide judgment passed in C.A.No.58 of 2017 dated 31.03.2021 on the file of the learned II Additional District Sessions Judge, Salem. Questioning the same,

the above appeal has been filed and 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 paid the fine amount and he is aged about 76 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.58 of 2017 dated 31.03.2021 on the file of learned II Additional District Sessions Judge, Salem 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-IV, Salem 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 II ADDITIONAL DISTRICT
SESSIONS COURT, SALEM.

2 THE JUDICIAL MAGISTRATE,
NO.IV, SALEM.

3 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
CRIME BRANCH CID,
SALEM UNIT,
SALEM DISTRICT.

C.C. to M/S.S.RAMACHANDRAN Advocate on payment of necessary
charges

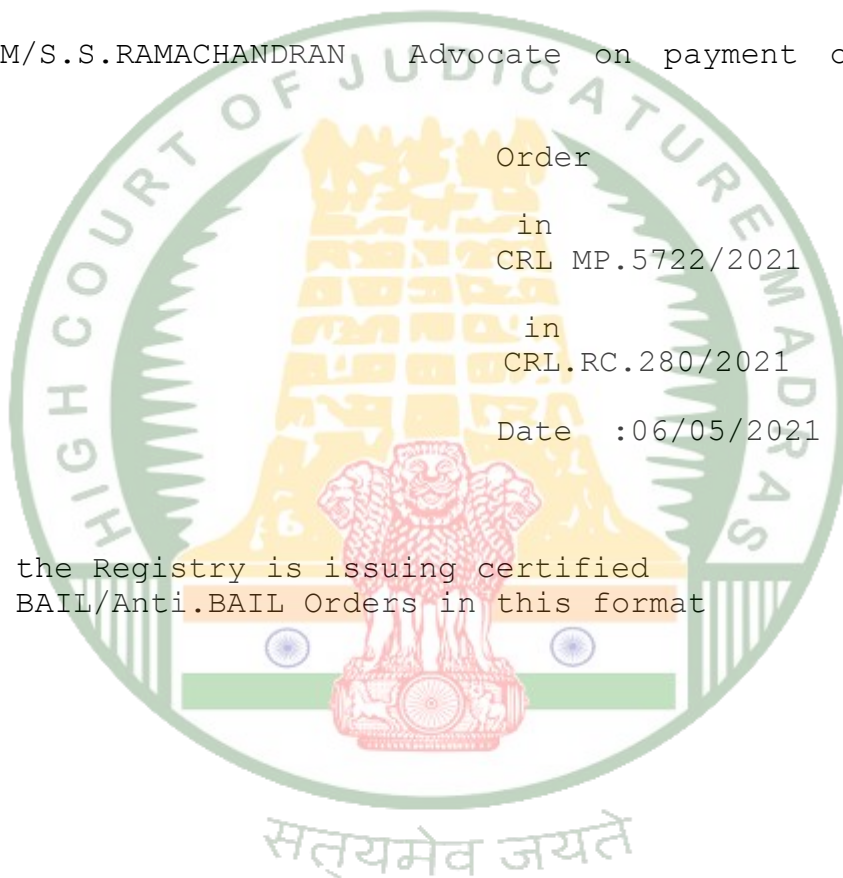
Order

in
CRL MP.5722/2021

in
CRL.RC.280/2021

Date :06/05/2021

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copies of the BAIL/Anti.BAIL Orders in this format
cs 28/05/2021



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