

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.M.P.No.5704 of 2021

in

Crl.R.C No.278 of 2021

Mr.Annamalai

...Petitioner

-Vs-

The State,
Rep.by the Inspector of Police,
Crime Branch CID,
Salem Unit.
(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.60/2017.

For Petitioner : Mr.C.Kasirajan

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

ORDER

The petitioner figured as accused in C.A.No.60 of 2017 on the file of the learned II Additional District Sessions Judge, Salem has been 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. Challenging the judgment passed in C.A.No.60 of 2017 dated 31.03.2021 on the file of the learned II Additional District Sessions Judge, Salem 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 find amount concurrently to the Court below and he is aged about 70 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.60 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

सत्यमेव जयते
TRUE COPY

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

TO

1 THE II ADDITIONAL DISTRICT AND
SESSIONS COURT, SALEM.

2 THE JUDICIAL MAGISTRATE,
NO.4, 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.

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

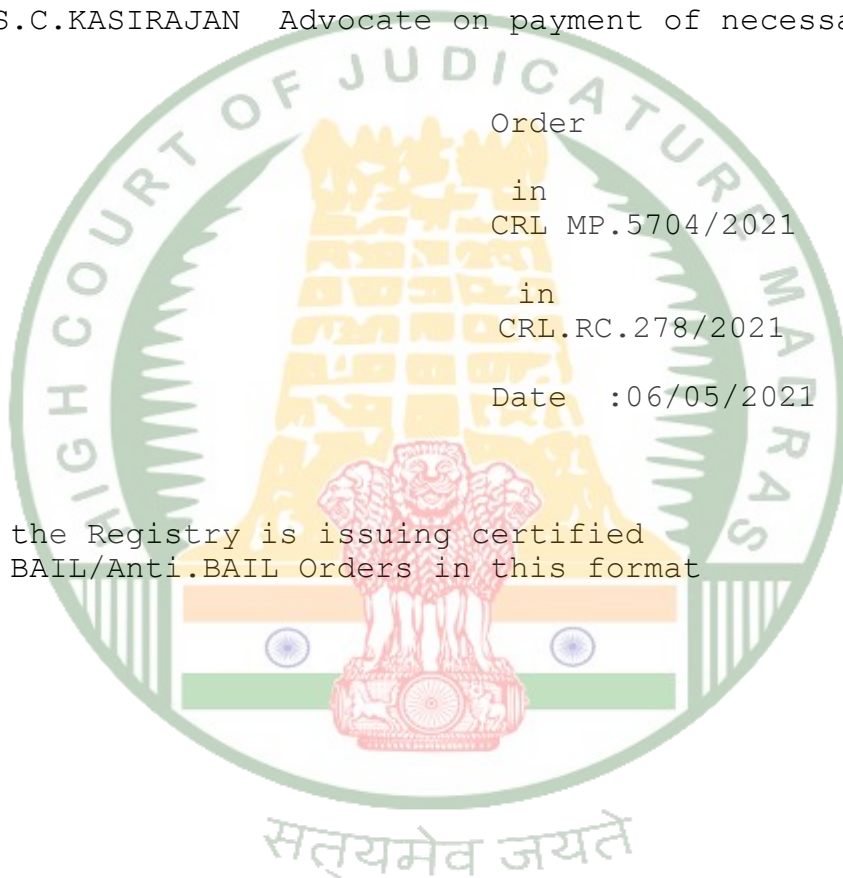
Order

in
CRL MP.5704/2021

in
CRL.RC.278/2021

Date :06/05/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
cs 27/05/2021



WEB COPY