



IN THE HIGH COURT OF JUDICATURE AT MADRAS  
( Criminal Jurisdiction )

Friday, the Twelfth day of November Two Thousand Twenty One

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PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA  
CRIMINAL MISCELLANEOUS PETITION No.5781 of 2021

IN

CRL.R.C.No.302 of 2021

RAVI

[ PETITIONER ]

Vs

THE STATE REP.BY  
THE INSPECTOR OF POLICE,  
THENKANIKOTTAI P.S,  
KRISHNAGIRI DISTRICT.  
CR.NO.266 OF 2015.

[ RESPONDENT ]

Petition praying that in the circumstances stated therein the High Court will be pleased to suspend the sentence passed in Judgment passed in Crl.A.No.09 of 2020 on the file of Additional District Judge, Hosur dated 24.02.2021 in modifying the order of conviction passed by the Assistant Sessions Judge, Hosur in S.C.No.124 of 2018 dated 30.10.2019 from 7 years Rigorous imprisonment each for the alleged offence under Section 489 (A) and 1,500/- fine, in default to undergo one year Rigorous Imprisonment, 489 ©, & 489 (D) IPC 1,500/- fine, in default to undergo one year Rigorous imprisonment and to run concurrently and to undergo 3 years Rigorous imprisonment and to pay a fine of Rs.3,000/- in default to undergo 6 months Rigorous imprisonment for the alleged offence under section 489-c of IPC r/w section 386 (B) (III) of CrPC and to enlarge the petitioner on bail pending disposal of the above Criminal Revision Case No.302 of 2021.

Order: This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.R.JAYAPRAKASH, Advocate for the Petitioner and of MR.E.RAJ THILAK, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

This Criminal Miscellaneous petition has been filed seeking to suspend the sentence passed in judgment dated 24.02.2021 in Crl.A.No.09 of 2020 on the file of the Additional District Judge, Hosur, modifying the order of conviction and sentence passed by the Assistant Sessions Judge, Hosur in S.C.No.124 of 2018 dated 30.10.2019.



2. Learned counsel for the petitioner would submit that the petitioner along with another accused was tried and found guilty and convicted by the Assistant Sessions Judge, Hosur in S.C.No.124 of 2018 dated 30.10.2019 for the offence under sections 489(A), 489(C) and 489(D) I.P.C., and sentenced to undergo seven years rigorous imprisonment and to pay a fine of Rs.1,500/- each, in default to undergo one year rigorous imprisonment. Against the order of conviction and sentence passed by the trial court, the petitioner had preferred the Criminal Appeal No.09 of 2020 before the Additional District Judge, Hosur and the Appellate Court found the petitioner guilty only for the offence under section 489(C) I.P.C and modified the sentence to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.3,000/-.

3. He would further submit that the petitioner was on bail during trial and also during appeal. Further, in due compliance of the direction of this Court, the petitioner had surrendered before the trial court on 30.06.2021 and he is in custody for the past four months. He would further submit that out of nine witnesses, P.Ws.1,2 and 3 have not supported the case of the prosecution and P.Ws.5 to 9, who are the official witnesses alone have supported the case of the prosecution. The petitioner has got good case on the revision and would pray that the substantive sentence of imprisonment may be ordered. Further, he would submit that the petitioner has got permanent residence and that he is prepared to furnish adequate security for his release on bail.

4. Learned Additional Public Prosecutor would submit that the petitioner along with A1 was found in possession of counterfeit currency notes worth about Rs.5,500/- on various denominations. The trial court convicted the accused for the offence under sections 489 (A), 489(C) and 489(D) I.P.C., and sentenced him to undergo seven years rigorous imprisonment and to pay a fine of Rs.1,500/-, each in default to undergo one year rigorous imprisonment. On appeal, the Appellate Court had acquitted the petitioner for the offence under sections 489(A) and 489(D) of I.P.C. and found the petitioner guilty for the offence under section 489(C) I.P.C and convicted and sentenced him to undergo Rigorous Imprisonment for a period of three years and to pay a fine of Rs.3,000/-, in default to undergo six months Rigorous Imprisonment.

5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be enlarged on bail, on the following conditions:-



i. The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Assistant Sessions Judge, Hosur

ii. The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

6. This Criminal Miscellaneous Petition stands ordered accordingly.

-sd/-  
12/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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

TO

1 THE ADDITIONAL DISTRICT JUDGE,  
HOSUR.

2 THE ASSISTANT SESSIONS JUDGE,  
HOSUR.

3 THE INSPECTOR OF POLICE,  
THENKANIKOTTAI P.S,  
KRISHNAGIRI DISTRICT.



4 THE PUBLIC PROSECUTOR,  
HIGH COURT, MADRAS.

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+1 C.C. to M/S.R.JAYAPRAKASH Advocate on payment of necessary  
charges SR.NO.12683

Order

in  
CRL MP.5781/2021  
in  
CRL.R.C.No.302/2021

Date :12/11/2021

From 7.2.2001 the Registry is issuing certified  
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INBA-15/11/2021