

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2021

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.M.P.No.5753 of 2021
in
Crl.R.C.No.294 of 2021

Dharuma @ Dharuman ... Petitioner

Vs.

1. The Sub Divisional Executive Magistrate
/ Revenue Divisional Officer,
Tiruvannamalai.
2. The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai District. ... Respondents

Criminal Miscellaneous Petition filed under Section 389(2) Cr.P.C. praying to suspend the execution of sentence imposed on the petitioner/petitioner by the order of the learned Sub Divisional Executive Magistrate/ Revenue Divisional Officer, Tiruvannamalai in Na.Ka.A4/1476/2021 dated 28.04.2021 pending disposal of the above appeal.

For Petitioner : Mr.E.Sathiyaraj
For Respondents : Mr.J.C.Durairaj
Counsel for Government of TN
(Criminal Side)

ORDER

The petitioner was convicted for the offence under Section 122(1)(b) of Cr.P.C., by the learned Sub Divisional Executive Magistrate/ Revenue Divisional Officer, Tiruvannamalai in Na.Ka.A4/1476/2021 dated 28.04.2021 and was sentenced to undergo simple imprisonment for the period upto 11.02.2022.

2.The learned counsel appearing for the petitioner contended that the petitioner was not given an opportunity and was also not issued with any notice. He would further submit that he has got good chance of success in the present revision case filed before this Court. Therefore, he prayed for suspension of sentence and grant of bail.

3.Heard the learned counsel for the petitioner.

4.Considering the submissions of the learned counsel for the petitioner and also considering the fact that revision case is not likely to be taken up in the near future, taking into consideration the facts and circumstances of the case, this Court is of the view that the petitioner is

entitled to the relief of suspension of sentence and grant of bail.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is granted bail on the following conditions:

(a) the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent, Central Prison, Vellore, and on such execution, the petitioner shall be released from prison on bail;

(b) after the lockdown restrictions are lifted and normalcy is restored, the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, one of whom shall be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Tiruvannamalai, and the same shall be executed within a reasonable period of one month from the date the lockdown restrictions are lifted.

(c) If for any reason, the petitioner is not able to execute bond within the specified time, the petitioner shall approach this Court and file a petition seeking extension of time for the same.

(d) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and

left thumb impression in the surety bond and the learned Judge shall obtain a copy of their Aadhar card or Voter ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the learned Judicial Magistrate-I, Tiruvannamalai.

(e) on release, the petitioner shall appear before the trial Court on the first working day of every month, until the disposal of the revision case, and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

6. Accordingly, this Criminal Miscellaneous Petition is ordered.

सत्यमेव जयते

02.06.2021

(2/2)

ssr/mkn

WEB COPY

Copy to :

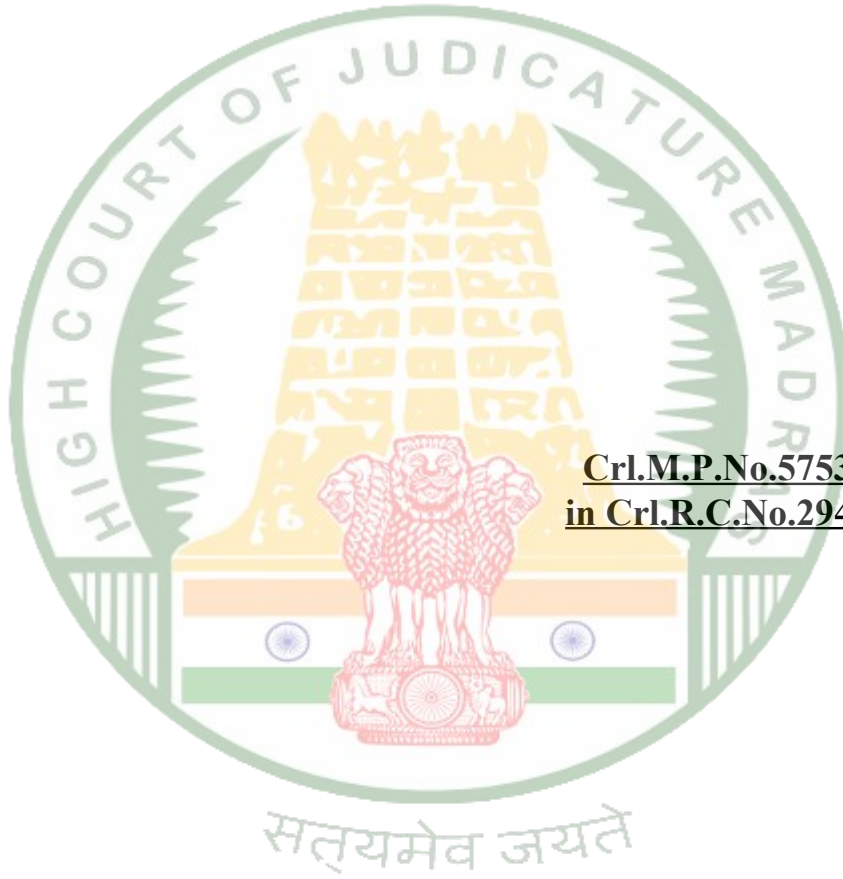
1. The Judicial Magistrate-I, Tiruvannamalai.
2. The Sub Divisional Executive Magistrate
/ Revenue Divisional Officer,
Tiruvannamalai.
3. The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai District.
4. The Superintendent,
Central Prison,
Vellore.
5. The Public Prosecutor,
High Court, Madras.



WEB COPY

N. SATHISH KUMAR, J.

ssr/mkn



Crl.M.P.No.5753 of 2021
in Crl.R.C.No.294 of 2021

WEB COPY

02.06.2021
(2/2)