

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.MP.No.5750 of 2021

and Crl.RC No.293 of 2021

M.Rajeshkumar

...Petitioner

-Vs-

State Rep. By
The Inspector of Police,
Tiruttani Police Station,
Tiruvallur District.
Crime No.132 of 2007

...Respondent

Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C. to suspend the sentence imposed by the learned 1st Additional District and Sessions Judge at Tiruvallur made in C.A.No.73 of 2019 dated 03.03.2021 confirming the conviction and sentences imposed by the learned Judicial Magistrate, Tiruttani in C.C.No.319 of 2009 dated 20.05.2019 against the petitioner.

For Petitioner : Mr.C.D.Johnson

For Respondent : Ms.Saradha
Government Advocate (Crl.Side)

ORDER

The petitioner figured as accused in C.C.No.319 of 2009 on the file of learned Judicial Magistrate, Tiruttani. By the impugned judgments the petitioner has been convicted for the offence u/s.341, 323, 325 and 506(ii) IPC and sentenced him to undergo one month Simple Imprisonment and pay fine of Rs.500/- in default to undergo one week simple imprisonment for the offence under Section 341 IPC, and also convicted for the offence under Section 323 IPC and sentenced to undergo one year simple imprisonment along with a fine of Rs.1,000/- in default to undergo three weeks simple imprisonment and two years simple imprisonment and to pay a fine of Rs.5,000/- in default one month simple imprisonment for the offence under Section 325 IPC, two years simple imprisonment and to pay a fine of Rs.5,000/- in default one month simple imprisonment for the offence under Section 506(2) IPC, and sentences were ordered to run concurrently. Challenging the judgment passed in C.A.No.73 of 2019 dated 03.03.2021 on the file of the learned I Additional District and

Sessions Judge, Tiruvallur, the petitioner has filed the above miscellaneous petition seeking suspension of substantive sentence of imprisonment.

2. Heard the learned counsel for the petitioner.

3. The learned Additional Public Prosecutor submitted that the Court below has appreciated the entire evidence and has given elaborate reasons for convicting and sentencing the petitioner.

4. There are arguable points which requires a 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.73 of 2019 dated 03.03.2021 on the file of learned I Additional District and Sessions Judge, Tiruvallur 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, Tiruttani, 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

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

TO

1 THE 1ST ADDITIONAL DISTRICT
AND SESSIONS JUDGE AT, TIRUVALLUR.

2 THE JUDICIAL MAGISTRATE,
TIRUTTANI.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
TIRUTTANI POLICE STATION,
TIRUVALLUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.C.D .JOHNSON Advocate on payment of necessary
charges SR.NO.5979

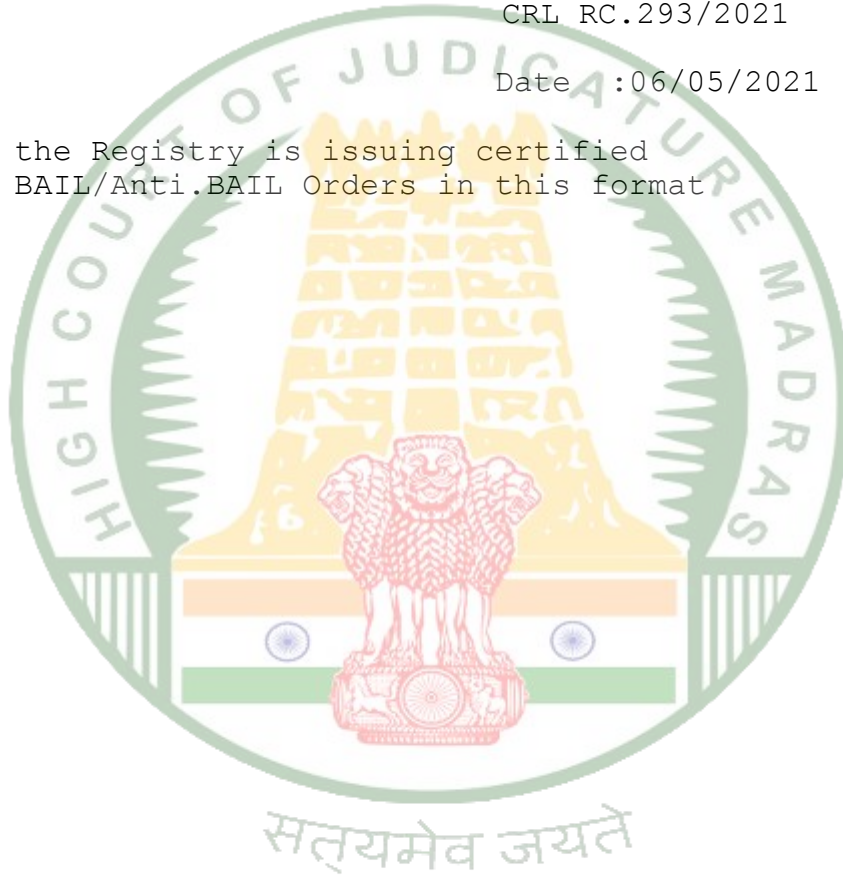
Order

in
CRL MP.5750/2021
in
CRL RC.293/2021

Date :06/05/2021

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TA-10/05/2021



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