

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.MP.No.5761 of 2021

and Crl.RC No.296 of 2021

Prabhakaran

...Petitioner

-Vs-

State Rep. By
The Inspector of Police,
Magudanchavadi Police Station,
Salem District.
Crime No.06 of 2013

...Respondent

Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C. to suspend the sentence imposed on the petitioner in Crl.A.No.41 of 2020 on the file of the learned Principal Sessions Judge, Salem, dated 11.11.2020 as well as the judgment passed in C.C.No.97 of 2013 on the file of the learned Judicial Magistrate No.II, Sankari, Salem District, dated 26.02.2020, pending disposal of the Criminal Revision Petition.

For Petitioner : Mr.M.Vijaya Ragavan

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

ORDER

The petitioner figured as accused in C.A.No.41 of 2020 on the file of learned Principal Sessions Judge, Salem. By the impugned judgment dated 11.11.2020, the appellate Court confirmed the judgment of conviction dated 26.02.2020, passed by the learned Judicial Magistrate No.II, Sankari, Salem District, in C.C.No.97 of 2013, wherein the petitioner was convicted and sentenced to undergo one year simple imprisonment for each count and to pay a fine of Rs.2,500/- for each count in default to undergo simple imprisonment for one month for the offence under Section 304(A) IPC (2 counts) and convicted and sentenced to pay a fine of Rs.2,000/- for each count in default to undergo simple imprisonment for one month for the offence under Section 338 IPC (2 counts). Challenging the judgment passed in C.A.No.41 of 2020 dated 11.11.2020, on the file of the learned Principal Sessions Judge, Salem, 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.41 of 2020 dated 11.11.2020, on the file of learned Principal 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 No.II, Sankari, Salem District, and the petitioner shall appear before the said Court on the first working day of every English Calendar 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.

सत्यमेव जयते

TO

1 THE PRINCIPAL SESSIONS JUDGE,
SALEM.

2 THE JUDICIAL MAGISTRATE NO.II,
SANKARI, SALEM DISTRICT.

3 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
MAGUDANCHAVADI POLICE STATION,
SALEM DISTRICT.

WEB COPY

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.M.VIJAYA RAGAVAN Advocate on payment of
necessary charges SR.NO.6001

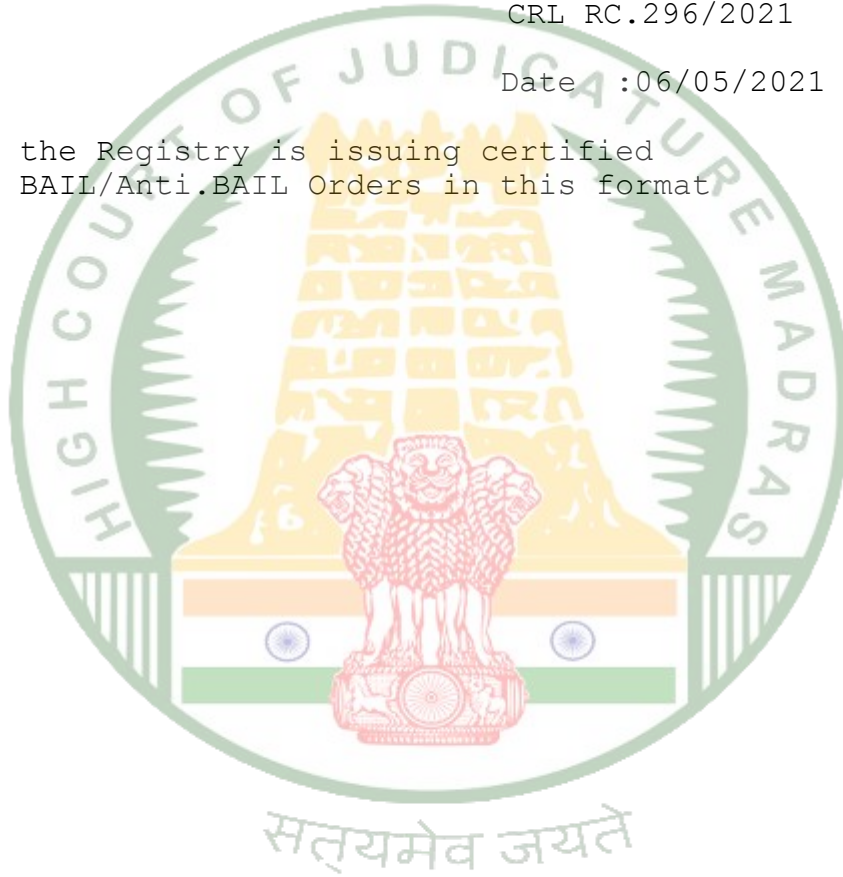
Order

in
CRL MP.5761/2021
in
CRL RC.296/2021

Date :06/05/2021

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

TA-12/05/2021



WEB COPY