

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.M.P.No.5925 of 2021

in

CrI.R.C.No.325 of 2021

Radhakrishnan

...Petitioner

-Vs-

1. State rep. by

The Inspector of Police,
District Crime Branch - Namakkal,
Namakkal - Post & District.
(Crime No.44 of 2004)

2. Boopathi

...Respondents

Criminal Miscellaneous Petition filed under Section 389(1)&(3) of Cr.P.C. to suspend the sentence made in Criminal Appeal No.17 of 2019 on the file of the Principal Sessions Judge, Namakkal dated 06.01.2021 in reversing the judgment made in C.C.No.35 of 2008 on the file of the Judicial Magistrate, Rasipuram, Namakkal District, dated 28.01.2019.

For Petitioner : Mr.D.Veerasekaran

For Respondents : Mr.Charles Premkumar
Government Advocate (CrI.Side) for R1

ORDER

This criminal miscellaneous petition is filed seeking to suspend the sentence imposed on the petitioner in C.A.No.17 of 2019 on the file of the learned Principal Sessions Judge, Namakkal, convicting and sentencing the petitioner to undergo 3 years imprisonment and imposed a fine of Rs.1,000/- in default to undergo 6 months simple imprisonment for each of the offences under Section 120(B), 467 and 419 r/w 120(B) IPC, which reversed the acquittal judgment made by the learned Judicial Magistrate, Rasipuram, Namakkal District in C.C.No.35 of 2008.

2. The learned counsel for the petitioner submitted that the petitioner is aged about 60 years. The learned counsel further submitted that the evidence has not been properly appreciated and there is a fair chance for the petitioner to be acquitted in the revision petition.

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, this Court is inclined to suspend the sentence imposed by the Court below and release the petitioner on bail.

5. Accordingly, this miscellaneous petition is ordered and the sentence imposed by the Court below vide judgment dated 06.01.2021 in C.A.No.17 of 2019 on the file of the learned Principal Sessions Judge, Namakkal, 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, Rasipuram, Namakkal District 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.

-sd/-
13/05/2021

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.

TO

1 THE PRINCIPAL SESSIONS JUDGE,
NAMAKKAL.

2 THE JUDICIAL MAGISTRATE,
RASIPURAM, NAMAKKAL DISTRICT.

3 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH- NAMAKKAL,
NAMAKKAL -POST AND DISTRICT.

+1 C.C. to M/S.D.VEERASEKARAN Advocate on payment of necessary
charges SR.No.6190

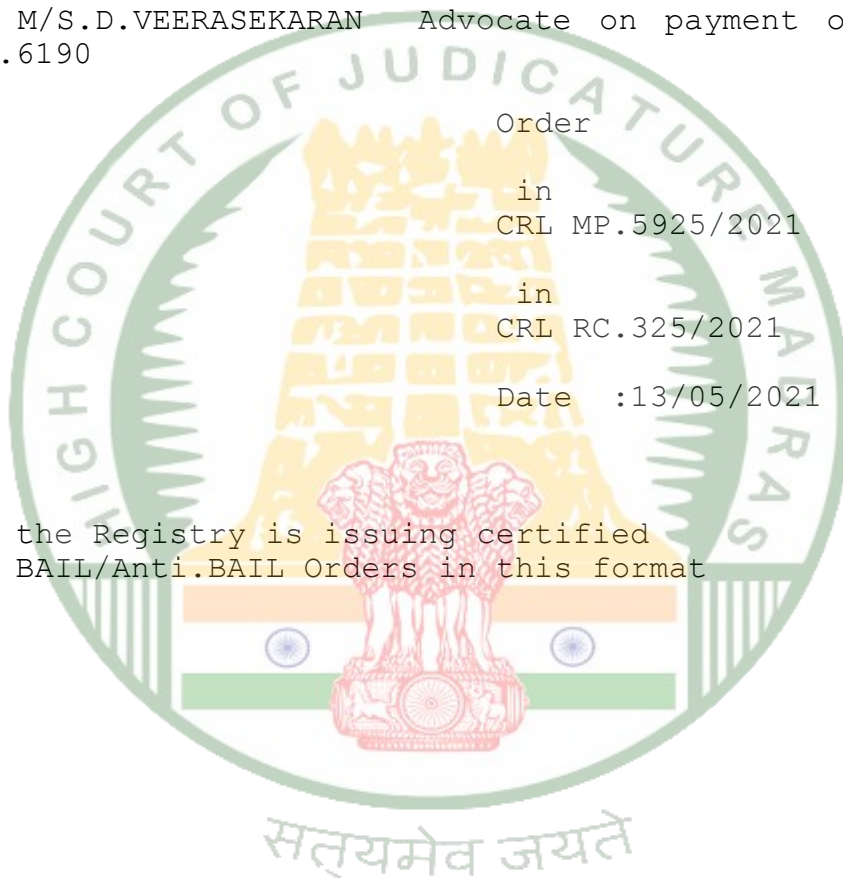
Order

in
CRL MP.5925/2021

in
CRL RC.325/2021

Date :13/05/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
cs 25/05/2021



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