



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fifth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.11949 of 2021

IN CRL.A.No.574 of 2021

1 ANBAZHAGAN
2 RAJESHWARI

[PETITIONERS/APPELLANTS]

Vs

THE STATE REP
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VIRUDHACHALAM,
CUDDALORE DISTRICT.
CR.NO.24/2017.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence dated 23.07.2021 imposed in Sessions Case No.176 of 2019 on the file of the Court of Sessions Judge, Mahila Court, Cuddalore, pending disposal of the main Crl.A.No.574/2021.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.SAIKRISHNAN, Advocate for M/S. B.BALAVIJAYAN, Advocate for the petitioner, and of MR.S.SUGENDRAN, GOVERNMENT ADVOCATE [CRL. SIDE] on behalf of the Respondent, the court made the following order:-

The Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioners by the learned Sessions Judge, Mahila Court, Cuddalore in S.C.No.176 of 2019 dated 23.7.2021 pending disposal of above Criminal Appeal.

2. Learned counsel for the petitioners/appellants-A2 and A3 would submit that the petitioners were tried alongwith yet another accused A1 and the charges against the first accused are for offences punishable under Sections 376, 312, 417, 294(b), 352, 307 and 506(ii) IPC and the charges against the present petitioners are for offences punishable under Sections 294(b), 352, 307 and 506(ii) IPC. He would



further submit that the Trial Court had found the first accused guilty for offence under Sections 376, 312, 417 and 506(i) IPC and as far as these petitioners are concerned, they have been found guilty for offence punishable under Sections 294(b) and 506(i) IPC and had been sentenced to undergo 2 years simple imprisonment and to pay a fine of Rs.5000/- and in default to undergo simple imprisonment for a period of six months. The learned counsel for the petitioners would submit that the petitioners had deposited the entire fine amount. He would also submit that the major charges are against the first accused alone and since they happened to be the parents of the first accused, they were arrayed as accused in the case. He would further submit that as far as these petitioners are concerned, they have arguable points in this case. He would also submit that the appeal is not likely to be taken up for hearing in the near future and thereby he would seek for suspension of sentence.

3. Mr.S.Sugendran, learned Government Advocate (Criminal Side), who takes notice for the respondent would submit that the petitioners are parents of the main accused and the main accused is convicted for offences under Sections 376, 312, 417 and 506(i) IPC and as far as these petitioners are concerned, they have been found guilty for offences under Sections 294(b) and 506(i) IPC.

3. Taking into consideration the fact that that there are arguable points available in the Criminal Appeal and that the appeal would not be taken up for final hearing at the earliest, 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 Appeal, the substantive sentence of imprisonment alone is suspended and the petitioners/Accused No.2 and 3 are ordered to be enlarged on bail, on the following conditions:-

- i. The Petitioners /Accused No.2 and 3 shall execute bonds each for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate-I, Virudhachalam.

The Petitioners /Accused No.2 and 3 shall report before the report before the Trial Court viz., Sessions Court, Mahila Court, Cuddalore on every first working day of English Calendar month until further orders.

-sd/-
25/11/2021

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 SESSIONS JUDGE,
MAHILA COURT, CUDDALORE.

2 THE JUDICIAL MAGISTRATE,
NO.I, VIRUDHACHALAM.

3 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VIRUDHACHALAM,
CUDDALORE DISTRICT.

+1 C.C. to M/S. B.BALAVIJAYAN Advocate on payment of necessary
charges SR.NO.13456

Order

in
CRL MP.11949/2021
in
CRL A.574/2021

Date :25/11/2021

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

TA-25/11/2021