



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirtieth day of November Two Thousand Twenty One

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.12081 & 12083 of 2021

IN CRL RC.842/2021

GUNASEKARAN

[PETITIONER]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
B2 R.S.PURAM POLICE STATION,
COIMBATORE DISTRICT
CR NO. 950/2017

[RESPONDENT]

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

(i) suspend the sentence passed by Honourable Judicial Magistrate No.I, of Coimbatore in C.C.NO.784/2021 dated 27/02/2019 and also confirmed by the Honourable 4th Additional District Court of Coimbatore in Criminal Appeal 120/2019 dated 13/08/2021 pending disposal of the connected criminal revision before this Honourable High Court and to enlarge the petitioner on bail and to pass suitable orders in the interest of justice. (CRL.M.P.NO.12081/2021)

(ii) dispense with surrender of the petitioner before the Learned Judicial Magistrate No.I Coimbatore in C.C.NO.784/2021 and also confirmed by the Ivth Additional District Sessions Court of Coimbatore in Crl.A.120/2019 connected CRL.R.C.No.842/2021.

(CRL.M.P.NO.12082/2021)

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.M.SARAVANAKUMAR, Advocate for the petitioner and of MR.S.SUGENDRAN, Govt. Advocate (Crl. Side) on behalf of the Respondents the court made the following order:-

These Criminal Miscellaneous Petitions have been filed by the Petitioner/Accused, seeking suspension of sentence of imprisonment, imposed by the judgment dated 27.02.2021 in C.C.No.784 of 2021 by the



learned Judicial Magistrate No.I, Coimbatore and confirmed by the judgment dated 13.08.2021 in C.A.No.120 of 2019 by the 4th Additional District Court, Coimbatore and to dispense with surrender of the petitioner before the trial court.

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2. In and by both the impugned judgements, the Petitioner/accused was convicted for the offence under Section 75(1)(c) of TNCP Act and sentenced to undergo two months R.I. And to pay fine of Rs.500/- and in default to undergo 15 days simple imprisonment and also convicted for the offence under Section 506(i) of IPC and sentenced to undergo two months R.I.

3. Learned counsel for the petitioner would submit that the courts below have failed to take into consideration the fact that the evidence of the witnesses do not satisfy the ingredients of the offence charged against the petitioner. He would further submit that there was no disturbance to public peace and that the victim also not stated that by threat, they have feared for their life. According to the learned counsel for the Petitioner/accused, there are arguable points available in the Criminal Revision Case, which is not likely to be taken for final hearing in the near future and the Petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the sentence imposed against the Petitioner/Accused may be suspended and the Petitioner may be exempted from surrendering before the Trial Court.

4. Heard the learned counsel for the petitioner and perused the materials on record.

5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner, this Court is of the view that the sentence of imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of exemption from surrender before the Trial Court, suspension of sentence and bail are granted, on the following conditions :-

i. 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 Judicial Magistrate I, Coimbatore.

ii. The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.



6. The Criminal Miscellaneous Petitions are ordered accordingly.

-sd/-
30/11/2021

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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 JUDICIAL MAGISTRATE,
NO.I COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE IV ADDITIONAL DISTRICT
COURT OF COIMBATORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
B2 R.S.PURAM POLICE STATION,
COIMBATORE DISTRICT

C.C. to M/S.M.SARAVANAKUMAR Advocate on payment of necessary
charges

Order

in
CRL MP.12081&12083/2021

in
CRL RC.842/2021

Date :30/11/2021

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

APN 30/11/2021