



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2021

CORAM:

WEB COPY

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.M.P.No.10693 of 2021

in

CrI.R.C.No.658 of 2021

M.Sarasu ... Petitioner/Petitioner

Vs.

M.Yasotha ... Respondent/Respondent

PRAYER: Criminal Miscellaneous petition has been filed under Section 397 (1) r/w. 439 of Cr.P.C., praying to suspend the sentence imposed in the judgment dated 09.03.2021 made in C.A.No.81 of 2020 on the file of the Principal District and Sessions Judge, Namakkal, confirming the conviction imposed in judgment dated 24.11.2020 made in S.T.C.No.77 of 2019 on the file of the learned Judicial Magistrate Court (FTC), Thiruchengode and enlarge the petitioner on bail pending disposal of the above revision petition.

For Petitioner : Mr.M.Guruprasad

ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence which were imposed against the petitioner in C.A.No.81 of 2020 on the file of the learned Principal District and Sessions Judge, Namakkal, confirming the conviction imposed in judgment dated 24.11.2020 made in S.T.C.No.77 of 2019 on the file of the learned Judicial Magistrate Court (FTC), Thiruchengode, pending disposal of this Criminal Revision Case and release the accused/petitioner on bail. The petitioner/accused has been convicted and sentenced by the trial Court as follows:



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Provision under which convicted	Sentence
Section 138 of IPC	Simple Imprisonment of Six Months and to pay the compensation amount of Rs.5,00,000/- to the Respondent/Complainant under Section 357 (3) Cr.P.C., within one month, in default, Simple Imprisonment for one month.

2.Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

3.Now, since this revision has been filed, the substantive sentence of imprisonment imposed by the learned trial Judge is suspended with the following conditions:

(a) The petitioner shall execute a bond for Rs.10,000/-(Rupees Ten Thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate Court(FTC), Thiruchengode, within fifteen days from the date of receipt of a copy of this order;

(b) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond. The learned Judicial Magistrate shall obtain a copy of their Aadhar card or Voter Identity Card or Driving license or PAN Card or Bank Pass Book with photo affixed and attested by Bank Manager, to ensure their identity to the satisfaction of the learned Judicial Magistrate Court(FTC), Thiruchengode.

(c) On release on bail the petitioners shall not influence, threaten or coerce the witnesses either during trial;

(d) the petitioners shall not abscond during trial;

(e) the petitioner shall appear on the first working day of every month before the learned Judicial Magistrate Court (FTC), Thiruchengode till the disposal of this Criminal Revision by this Court;



(f) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/ Trial Court is entitled to take appropriate action against the Petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Judicial Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]. The learned Judicial Magistrate shall report the matter to the High Court for dismissal of the Criminal Revision and the petitioner shall face the criminal revision from the prison.

-sd/-

12/10/2021

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 DISTRICT AND
SESSIONS JUDGE, NAMAKKAL.

2 THE JUDICIAL MAGISTRATE COURT (FTC),
THIRUCHENGODE. [TO SUBMIT YOUR REPORT]

3 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL DISTRICT. [FOR INFORMATION]

COPY TO:

THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

+1 C.C. to M/S.M.GURUPRASAD Advocate on payment of necessary charges SR.NO.11450

Order
in
CRL MP.10693/2021
in
CRL.R.C.No.658/2021

Date :12/10/2021

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

RW 18/10/2021