



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Third day of December Two Thousand Twenty One

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION Nos.12170 & 12172 of 2021

IN CRL.R.C.NO.860 of 2021

IMRAN BASHA

[PETITIONER/APPELLANT/ACCUSED]

Vs

THE STATE REP

[RESPONDENT/COMPLAINANT]

THE INSPECTOR OF POLICE,
HOSUR TOWN POLICE STATION,
KRISHANGIRI DISTRICT.
CRIME NO.373/2010.

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

(i)suspend the sentence passed by the Learned Principal District and Sessions Court, Krishnagiri, Krishnagiri District in Crl.A.No.23/2019 dated 07.07.2021 and confirming the conviction and modify the sentence passed by the Learned Judicial Magistrate (Fast Track Court) Hosur, Krishnagiri District in C.C.No.32/2016 dated 23.05.2019 by the enlarge the petitioner on bail pending disposal of the Crl.R.C.No.860 of 2021.[IN CRL.M.P.No.12170/2021]

(ii)allow the petition for exempting the petitioner from his surrender the Judgment by the Learned Judicial Magistrate, (Fast Track Court), Hosur Krishnagiri District in C.C.No.32/2016 dated 23.05.2019 and confirmed the conviction and modify the sentence by the Learned Principal District and Sessions Judge, Krishnagiri, Krishnagiri District in Crl.A.No.23/2019 dated 07.07.2021 pending disposal of the Crl.R.C.No.860 of 2021.[IN CRL.M.P.No.12172/2021]

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. E.KANNADASAN, Advocate for the petitioner and of M/S.S.SUGENDRAN, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

These Criminal Miscellaneous Petitions have been filed by the Petitioner/Accused, seeking suspension of sentence, imposed by the judgment dated 23.05.2019 in C.C.No.32 of 2016 by the learned



Judicial Magistrate, (Fast Track Court), Hosur, Krishnagiri District and confirmed by the judgment dated 07.07.2021 in C.A.No.23 of 2019 by the learned Principal Sessions Judge, Krishnagiri, Krishnagiri District and to exempt the petitioner from surrendering before the trial court.

2. In and by both the impugned judgements, the Petitioner/accused was convicted for the offence under Section 429 of I.P.C and sentenced to undergo Simple Imprisonment for two years and to pay a fine of Rs.1000/- in default to under Simple Imprisonment for one week.

3. 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, exemption to surrender 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 II, Hosur
- 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/-

03/12/2021

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 COURT, KRISHNAGIRI,
KRISHNAGIRI DISTRICT.

2 THE JUDICIAL MAGISTRATE,
(FAST TRACK COURT, HOSUR,
KRISHNAGIRI DISTRICT)

3 THE JUDICIAL MAGISTRATE,
NO.II, HOSUR, KRISHNAGIRI DISTRICT.

4 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT. [FOR INFORMATION]

5 THE INSPECTOR OF POLICE,
HOSUR TOWN POLICE STATION,
KRISHNAGIRI DISTRICT.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 C.C. to M/S. E.KANNADASAN Advocate on payment of necessary
charges SR.NO.14059

Order

in
CRL MP.Nos.12170 & 12172/2021

in
CRL.RC.NO.860/2021

Date :03/12/2021

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

RW 03/12/2021