



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Nineteenth day of November Two Thousand Twenty One

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION Nos.11596 & 11598 of 2021

IN CRL.R.C.No.765 of 2021

V.MUNUSAMY

[PETITIONER]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
KARIMANGALAM POLICE STATION,
DHARMAPURI DISTRICT
(CRIME NO.411 OF 2017)

[RESPONDENT]

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 of imprisonment imposed upon the Petitioner in impugned judgement dated 13.07.2021 passed in CA.No.3/2021 by the Learned Additional District and sessions judge, Dharmapuri, confirming the judgement dated 30.12.2020 passed in C.C.No.80/2018 by the Learned Judicial Magistrate, Palacode, pending disposal of the CRL.R.C.No.765 of 2021. [IN CRL.M.P.No.11596/2021]

(ii) Exempt the petitioner from surrendering pursuant to the impugned judgment dated 13.07.2021 passed in CA.No.3/2021 by the Learned Additional District and sessions judge, Dharmapuri, confirming the judgement dated 30.12.2020 passed in C.C.No.80/2018 by the Learned Judicial Magistrate, Palacode, pending disposal of the CRL.R.C.No.765 of 2021. [IN CRL.M.P.No.11598/2021]

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 A.ARUN, Advocate for the Petitioner and of M/S.E.RAJ THILAK, Additional Public Prosecutor 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 of imprisonment, imposed by the judgment, dated 13.07.2021 passed in C.A.No.3 of 2021, by the learned Additional District and Sessions Judge, Dharmapuri, confirming the judgment, dated 30.12.2020, made in C.C.No.80 of 2018, by the learned Judicial Magistrate, Palacode and to exempt the Petitioner/ Accused, from surrendering before the Trial Court, in connection with the conviction and sentence, imposed by the judgment, dated 30.12.2020, made in C.C.No.80 of 2018, by the learned Judicial Magistrate Palacode, pending disposal of the Criminal Revision Case.

2. In and by both the impugned judgements, the Petitioner/accused was convicted for the offence under Section 304(A) IPC and sentenced to undergo three months Simple Imprisonment.

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, 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, Palacode.

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.

WEB COPY

-sd/-

19/11/2021

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 ADDITIONAL DISTRICT AND
SESSIONS JUDGE, DHARMAPURI.

2 THE JUDICIAL MAGISTRATE,
PALACODE, DHARMAPURI DISTRICT.

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

4 THE INSPECTOR OF POLICE,
KARIMANGALAM POLICE STATION,
DHARMAPURI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S A.ARUN ANBUMANI Advocate on payment of necessary
charges SR.NO.13007

Order

in

CRL MP.Nos.11596 & 11598/2021

in

CRL RC.765/2021

Date :19/11/2021

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

RW 23/11/2021