



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.12079 & 12082 of 2021

IN CRL RC.841/2021

SANDEEP SHARMA

[PETITIONER/APPELLANT/ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CENTRAL RAILWAY POLICE STATION,
CENTRAL, CHENNAI 600 003.
CR.NO.242/2014.

[RESPONDENT/COMPLAINANT]

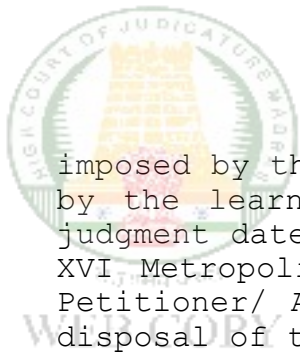
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) exempt the petitioner for appearing before lower appellate court on 03.09.2021 in Criminal Appeal No.55 of 2020 dated 03.09.2021 by the Principle Sessions Judge, Chennai in confirming the judgement dated 13.02.2020 in C.C.No. 3081 of 2014 on the file of the XVI Metropolitan Magistrate, George Town, Chennai. (IN CRL.M.P.NO.1279/2021)

(ii) suspend the sentence imposed in Criminal Appeal No.55/2020 dated 03.09.2021 by the Principle Sessions Judge, Chennai in confirming the Judgement dated 13.02.2020 in C.C.NO.3081/2014 on the file of the XIV Metropolitan Magistrate, George Town, Chennai and enlarge the petitioner on bail, pending disposal of the above criminal Revision in Crl.R.C.No.841/2021 (IN 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. K.P.ANANTHA KRISHNA, Advocate for the petitioner and of MR.N.S.SUGANTHAN, 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 03.09.2021 passed in C.A.No.55 of 2020 by the learned Principal Sessions Judge, Chennai, confirming the judgment dated 13.02.2020, made in C.C.No.3081 of 2014 by the learned XVI Metropolitan Magistrate, George Town, Chennai and to exempt the Petitioner/ Accused, from surrendering before the lower Court pending disposal of this revision.

2. In and by both the impugned judgements, the Petitioner/ accused was convicted for the offence under Section 4 of Tamil Nadu Prohibition of Women Harassment Act and sentenced to undergo one month Simple Imprisonment and to pay fine of Rs.10,000/- in default to undergo one month simple imprisonment.

3. Learned counsel for the petitioner would submit that the courts below failed to take into consideration the delay in victim giving the complaint. Further, the courts below also failed to take into consideration the contradictions between the witnesses.

4. 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.

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

6. 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 XVI Metropolitan Magistrate, George Town, Chennai.

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. These
accordingly.

Criminal Miscellaneous Petitions are ordered

-sd/-

30/11/2021

WEB COPY

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 SESSIONS JUDGE,
CHENNAI

2 THE XVI METROPOLITAN
MAGISTRATE, GEORGE TOWN, CHENNAI

3 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI

4 THE INSPECTOR OF POLICE,
CENTRAL RAILWAY POLICE STATION,
CENTRAL, CHENNAI 600 003.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 C.C. to M/S. K.P.ANANTHA KRISHNA Advocate on payment of
necessary charges 13736,13737

Order

in
CRL MP.12079&12082/2021

in
CRL RC.841/2021

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