



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventh day of December Two Thousand Twenty One

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION NOS.12612 AND 12613 of 2021

IN CRL RC.906/2021

A.SUNDARAMOORTHY

[PETITIONER/APPELLANT/ACCUSED
IN BOTH PETITIONS]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CCIW, CHENNAI.
(CRIME NO.2/2006)

[RESPONDENT/COMPLAINANT
IN BOTH PETITIONS]

Petitions praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.906/2021 on the file of the High Court, the High Court will be pleased to

(i)Suspend the sentence imposed upon the petitioner in CC.No.267/2007 dated 12.10.2020 on the file of the learned XI Metropolitan Magistrate, Saidapet at Chennai and confirmed by the learned Principal District and Session Court, Chennai in Crl.A.No.137/2020 dated 12/08/2021. (CRL.MP.NO.12612/2021 IN CRL.RC.NO.906/2021)

(ii)Exempt the petitioner from surrendering before court which sentenced by accept the surrendering execution petition in CC.NO.267/2007 dated 12.10.2020 on the file of the learned XI Metropolitan Magistrate, Saidapet at Chennai and confirmed by the learned Principal District and Session Court, Chennai in Crl.A.No.137/2020 Dated 12/08/2021. (CRL.MP.NO.12613/2021 IN CRL.RC.NO.906/2021)

Order : These petitions coming on for orders upon perusing the petitions and the Memorandum of Grounds in Criminal Revision Case No.906/2021 on the file of the High Court and upon hearing the arguments of MR. V.KRISHNAMOORTHY Advocate for the Petitioner[IN BOTH PETITIONS] and of MR.S.SUGENDRAN Govt. Advocate (Crl. Side) [IN BOTH PETITIONS]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 12.10.2020 passed in C.C.No.267 of 2007 by the XI Metropolitan Magistrate, Saidapet, Chennai and confirmed in the judgment dated 12.08.2021 in C.A.No.137 of 2020 by the Principal District and Sessions Judge, Chennai and enlarge the petitioner on bail till disposal of the above criminal revision 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 Sections 468, 471 and 420 IPC and sentenced to undergo six months imprisonment and fine of Rs.2,000/- and in default to undergo one month S.I. for the offence u/s 468 IPC and sentenced to undergo six months imprisonment and fine of Rs.2,000/- and in default to undergo one month S.I. for the offence u/s 471 IPC and sentenced to undergo six months imprisonment and fine of Rs.2,000/- and in default to undergo one month S.I. for the offence u/s 420 IPC.

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 learned XI Metropolitan Magistrate, Saidapet, 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. The Criminal Miscellaneous Petitions are ordered accordingly.

WEB COPY

-sd/-
07/12/2021

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 JUDGE,
CHENNAI.

2 THE XI METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI.

3 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
C.C.I.W CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

Order
in
CRL MP.NOs.12612&12613/2021
in
CRL RC.906/2021
Date :07/12/2021

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

CSK 07/12/2021