



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Tenth day of December Two Thousand Twenty One

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION Nos.12731 & 12732 of 2021

IN CRL.R.C.No.926 of 2021

SIVARAJ

[PETITIONER/ACCUSED]

Vs

STATE REP

[RESPONDENT/COMPLAINANT]

THE INSPECTOR OF POLICE,
TIRUPUR NORTH ALL WOMEN POLICE STATION,
TIRUPUR.
CRIME NO. 09/2017.

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 in the judgement dated order 22.10.2021 made in Crl.A.No.14 of 2019 on the file of the Principal Sessions Judge, Tirupur confirming the conviction imposed in judgement dated 03.01.2019 made in C.C.No.570 of 2017 on the file of the Judicial Magistrate I, Tirupur.
[IN CRL.M.P.No.12731/2021]

(ii) grant an order for exemption from surrendering before the learned Judicial Magistrate-I, Tiruppur pursuant to the judgment dated 22.10.2021 passed by the learned Principal Sessions Judge in Crl.A.No.14 of 2019 while pendency of the CRL.R.C.No.926 of 2021.
[IN CRL.M.P.No.12732/2021]

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. R.THIRUMOORTHY, 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 of imprisonment,



imposed by the order dated 22.10.2021 passed in C.C.No.570 of 2017 by the learned Judicial Magistrate I, Tiruppur and confirmed by the judgment, dated 22.10.2021 made in C.A.No.14 of 2019 by the learned Principal Sessions Judge, Tiruppur and to exempt the Petitioner/ Accused, from surrendering before the Trial Court 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 354(A) and 506 (ii) IPC and sentenced to undergo Rigorous Imprisonment for one year each.

3. Learned counsel for the petitioner would submit that admittedly, there are previous disputes between the parties and that on an earlier incident, the petitioner had given a complaint on 01.04.2017 and the present complaint has been given only as a retaliation. He would further submit that the courts below failed to take into consideration the exaggeration and inconsistencies in the evidence of the witnesses. 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 No.1, Tiruppur.

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
accordingly.

Criminal Miscellaneous Petitions are ordered

-sd/-

10/12/2021

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 SESSIONS JUDGE,
TIRUPPUR.

2 THE JUDICIAL MAGISTRATE,
NO.I, TIRUPPUR.

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

4 THE INSPECTOR OF POLICE,
TIRUPUR NORTH ALL WOMEN POLICE STATION,
TIRUPUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

C.C. to M/S. R.THIRUMOORTHY Advocate on payment of necessary
charges

Order

in

CRL MP.NOS.12731 & 12732/2021

in

CRL RC.926/2021

Date :10/12/2021

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

RW 10/12/2021