



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirteenth day of December Two Thousand Twenty One

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.12794 & 12795 of 2021

IN CRL RC.941/2021

S.SUBRAMANI

[PETITIONER IN BOTH THE PETITIONS]

Vs

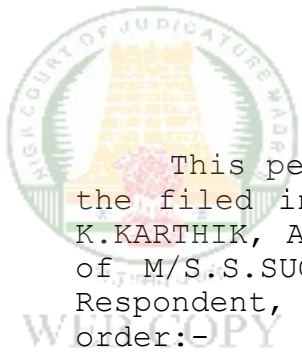
THE STATE REP.BY
THE INSPECTOR OF POLICE,
B-1 POLICE STATION,
OOTACAMUND, THE NILGIRI.
CR.NO.1090 OF 2005.

[RESPONDENT IN BOTH THE PETITIONS]

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

(i) To grant suspension of sentence imposed in C.C.No.46 if 2006 dated 23.10.2017 on the file of the Judicial Magistrate at Udhagamandalam as confirmed by the judgment dated 03.05.2021 made in Criminal Appeal No.165 of 2017 passed by learned Session Judge, Magalir Neethimandram, (Fast Track Mahila Court) Udhagamandalam at Nilgiris, pending disposal of the above Crl.R.C.No.941 of 2021.
(Crl.M.P.No.12794/2021)

(ii) To Grant Exemption to the Petition from surrendering with reference to the conviction and sentence imposed in C.C.No.46 if 2006 dated 23.10.2017 on the file of the Judicial Magistrate at Udhagamandalam as confirmed by the judgment dated 03.05.2021 made in Criminal Appeal No.165 of 2017 passed by learned Session Judge, Magalir Neethimandram, (Fast Track Mahila Court) Udhagamandalam at Nilgiris, pending disposal of the above Crl.R.C.No.941 of 2021.
(Crl.M.P.No.12795/2021)



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.KARTHIK, Advocate for the petitioner [IN BOTH THE PETITIONS] and of M/S.S.SUGENDRAN, Govt. Advocate (Crl. Side) on behalf of the Respondent, [IN BOTH THE PETITIONS] 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 23.10.2017 passed in C.C.No.46 of 2006 by the learned Judicial Magistrate, Udthagamandalam and confirmed by the the judgment dated 03.05.2021 made in Crl.A.No.165 of 2017 by the learned Sessions Judge, Magalir Neethimandram, (Fast Track Mahila Court), Udthagamandalam, Nilgiris and to exempt the Petitioner/Accused, from surrendering before the Trial Court pending disposal of the Criminal Revision Case.

2. In and by the judgment of the trial court, the Petitioner/accused was convicted for the offence under Section 420 IPC and sentenced to undergo two years Simple Imprisonment and to pay a fine of Rs.5,000/- and in default to undergo one month simple imprisonment and the same was confirmed by the Appellate Court and against which, the present revision has been filed.

3. Learned counsel for the petitioner would submit that a case of civil dispute has been converted as a criminal case. He would further submit that the courts below without analysing the materials in a proper perspective have found the petitioner guilty. 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, Udthagamandalam.



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.

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6. The Criminal Miscellaneous Petitions are ordered accordingly.

-sd/-

13/12/2021

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 JUDICIAL MAGISTRATE,
UDHAGAMANDALAM,

2 THE CHIEF JUDICIAL MAGISTRATE
NILGIRIS. [FOR INFORMATION]

3 THE SESSIONS JUDGE MAGALIR NEETHIMANDRAM,
(FAST TRACK MAHILA COURT) UDHAGAMANDALAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
B-1 POLICE STATION,
OOTACAMUND, THE NILGIRI.

C.C. to M/S. K.KARTHIK Advocate on payment of necessary charges

Order

in
CRL MP.12794 & 12795/2021
in
CRL RC.941/2021
Date :13/12/2021

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

TA-13/12/2021