



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Sixteenth day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.1367 of 2021
in CrI.R.C.(MD) No.119 of 2021

ANAND

... PETITIONER/ PETITIONER

-Vs-

STATE REP.BY
THE INSPECTOR OF POLICE,
RAILWAY POLICE STATION,
DINDIGUL, DINDIGUL DISTRICT.
CRIME NO.66/2015

... RESPONDENT/ RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed on the petitioner by the judgment dated 11/12/2020 passed in C.A.NO.104 of 2018 on the file of the Additional Sessions Court, Dindigul modifying the judgment dated 20/08/2018 passed in C.C.No.397 of 2015 on the file of the Judicial Magistrate No.2, Dindigul and enlarge the petitioner on bail pending disposal of the above criminal revision petition.

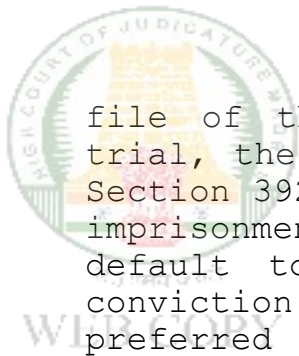
Prayer in CrI.R.C. (MD) No.119 of 2021:

To call for the records of the judgment dated 11/12/2020 passed in C.A.No.104 of 2018 on the file of the Additional Sessions Court, Dindigul modifying the judgment dated 20/08/2018 passed in C.C.No.397 of 2015 on the file of the Judicial Magistrate Court No.2, Dindigul and set aside the same.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.N.PRAGALATHAN, Advocate for the petitioner and of Mr.KR.BHARATHI KANNAN, Government Advocate on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the learned Additional Sessions Judge, Dindigul in C.A.No.104 of 2018 dated 11.12.2020, till the disposal of the revision.

2.The case against the petitioner is that he snatched a gold chain from the defacto complainant, when she was travelling in the train. A case was registered against the petitioner in Crime No.66 of 2015 and the same was taken on file as C.C.No.397 of 2015 on the



file of the learned Judicial Magistrate No.II, Dindigul. After trial, the learned Sessions Judge found the petitioner guilty under Section 392 of IPC and sentenced him to undergo three years rigorous imprisonment and to pay a fine of Rs.100/- (Rupees Hundred only) in default to undergo two months simple imprisonment. Against the conviction and sentence imposed by the trial Court, the petitioner preferred an appeal in C.A.No.104 of 2018. The appeal was partly allowed by altering the sentence imposed on the petitioner and the petitioner was sentenced to undergo two years simple imprisonment and to pay a fine of Rs.100/- (Rupees Hundred only) in default to undergo two months simple imprisonment. Aggrieved by which, the petitioner has filed the Criminal Revision Case in Crl.R.C.(MD) No.119 of 2021. Along with the revision, the petitioner filed the application for suspension of sentence.

3.On the side of the petitioner, it is stated that P.W.1 and P.W.2 have not seen the face of the petitioner. The evidence of P.W.3 is contrary to the evidence of the official witnesses. The seizure of the property is not proved. There is no previous cases against the petitioner and there is no subsequent cases and prayed the sentenced imposed upon the petitioner is to be suspended.

4.On the side of the respondent, it is stated that the petitioner has snatched the thali chain of the defacto complainant. He was immediately caught by the Railway Police. P.W.1 and P.W.6 identified the accused. The prosecution has examined 8 witnesses and marked 7 documents and marked two material objects and proved the case beyond all reasonable doubts and prayed the petition to be dismissed.

5.It is seen that the offence against the petitioner is chain snatching. The suspension of the sentence was not granted to the petitioner by the trial Court. The petitioner has not surrendered before the first Appellate Court.

6.In the above circumstances, the petitioner granted liberty to file a petition for suspension of sentence, after surrendering himself before the trial Court.

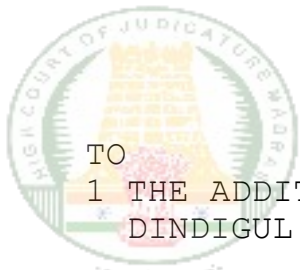
7.In view of the above, this petition is dismissed.

8.Post the main revision case on 26.03.2021.

sd/-
16/03/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE ADDITIONAL SESSIONS JUDGE,
DINDIGUL.

2 THE JUDICIAL MAGISTRATE NO.2, DINDIGUL.

3 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

4 THE INSPECTOR OF POLICE,
RAILWAY POLICE STATION,
DINDIGUL, DINDIGUL DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP(MD) No.1367 of 2021
in

Cr1.R.C.(MD) No.119 of 2021

Date :16/03/2021

2/2

Mrn

MS/VR/SAR-3/19.03.2021/3P.6C