



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Seventeenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. SESHASAYEE

CRIMINAL MISCELLANEOUS PETITION No.1337 of 2022

IN CRL RC.147/2022

KARTHIKEYAN

[ PETITIONER/APPELLANT/ACCUSED ]

Vs

1 VARATHARAJAN

[ 1ST RESPONDENT/COMPLAINANT ]

2 THE STATE REP BY  
PUBLIC PROSECUTOR,  
NAGAPATTINAM.

[ 2ND RESPONDENT/3RD PARTY ]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentence passed in Crl.A.No.06/2017 in C.C.No.194 of 2008 on the file of the Additional District Judge, Mayiladuthurai, dated 20/03/2020 confirming the judgment made in C.C.No.194/2008 on the file of the Judicial Magistrate No.I, Mayiladuthurai dated on 12/04/2017, pending disposal of the above said revision and thus render justice.

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.SUNDAR, Advocate for the petitioner and of M/S.LEONARD ARUL JOSEPH SELVAM, Govt. Advocate ( Crl. Side) on behalf of the second Respondent the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking suspension of sentence of imprisonment imposed by the order dated 12.04.2017 in C.C.No.194 /2008 passed by the Judicial Magistrate No 1, Mayiladuthurai, and confirmed by the judgment made in Crl.A.No.6 of 2017 on the file of the Additional District Judge, Mayiladuthurai, dated 20.03.2022.



2. This Court heard the learned counsel for the petitioner and also perused the materials placed on record.

3. In and by the judgment of the Sessions Court, the Petitioner was convicted for the offence under Section 6 of the Dowry Prohibition Act and sentenced to undergo six months simple imprisonment and further ordered to pay a fine of Rs.5000/-, and in default to undergo two months simple imprisonment. Against which, the present Revision has been filed.

4. According to the learned counsel for the petitioner/accused, there are arguable points available in the Criminal Revision Case, and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioner/Accused may be suspended.

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 substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on executing 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, Mayiladuthurai;

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Revision and if he was not able to appear before the Trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C and shall appear before the Trial Court on any other day in lieu of the date of their absence, as directed by the Trial Court.



6. The Criminal Miscellaneous Petition stands ordered accordingly.

WEB COPY

-sd/-

17/02/2022

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 ADDITIONAL DISTRICT &  
SESSIONS JUDGE, MAYILADUTHURAI.

2 THE JUDICIAL MAGISTRATE,  
NO.I, MAYILADUTHURAI.

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

4 THE PUBLIC PROSECUTOR,  
NAGAPATTINAM

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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

+1 C.C. to M/S.R.SUNDAR Advocate on payment of necessary charges  
SR.NO.2443

Order  
in  
CRL MP.1337/2022  
in  
CRL RC.147/2022

Date :17/02/2022

From 7.2.2001 the Registry is issuing certified  
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RW 22/02/2022