



Crl.M.P.No.776 of 2022

in

Crl.A.No.65 of 2022

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D.BHARATHA CHAKRAVARTHY,J.

This case is listed today under the caption “being mentioned”, and it is taken up for hearing at the instance of learned counsel for the petitioner.

2.It is noted that in the order of this Court dated 23.06.2022, in the above said petition, in paragraph No.3 in condition (a), the name mentioned as “the Superintendent of Prison, Central Vellore Prison, Vellore” and it has to be removed. In that place, “The Fast Track Mahila Court (Sessions Court), Vellore, Vellore District” has to be included.

3.Registry is directed to carry out the necessary correction and issue a fresh order copy to the parties concerned.

01.07.2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

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CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.776 of 2022

in

Crl.A.No.65 of 2022

Mohammed Kallel

.. Petitioner

Vs

The State Rep. by
Inspector of Police (Crime)
Vellore North Police Station
Vellore District.
(Crime No.41 of 2015)

.. Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) r/w Section 439 of the Code of Criminal Procedure to suspend the sentence of seven years rigorous imprisonment and to pay a fine of Rs.500/- in default of payment of fine to undergo one month rigorous imprisonment u/s 452 and ten years rigorous imprisonment and to pay a fine of Rs.1,000/- in default of payment of fine to undergo two months rigorous imprisonment for the offences u/s 392 r/w 397 of IPc and the same has to be run concurrently on the petitioner/appellant in S.c.no.135 of 2015 on the file of the Hon'ble Fast Track Mahila Court, (Sessions Court) Vellore, Vellore District vide order dated 14.12.2020 and enlarge the petitioner on bail.

For Petitioner : Mr.P.Kumaresan



For Respondent : R.Vinoth Kumar
Government Advocate (Crl. Side)

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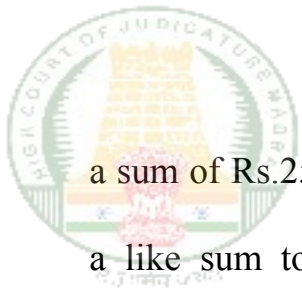
ORDER

Learned counsel for the petitioner would submit that, as against the sentence of seven years rigorous imprisonment of the petitioner, the petitioner is in prison from the date of the judgment, that is, from 14.12.2020 and he would submit that the Trial Court have erroneously convicted the petitioner for offences under Section 397 and 452 of the Indian Penal code and would submit that the petitioner has got *prima facie* case and prays for suspension of sentence.

2. Heard learned Government Advocate(Crl. Side) and would submit that the prosecution in the case has recovered the gold chain and proved the case to the hilt and therefore, the Trial Court has rightly convicted the petitioner.

3. Upon considering the submissions made by learned counsel for the petitioner on grounds of appeal raised in this appeal for the purpose of *prima facie* case, and considering the fact that the petitioner has not no other antecedents, I am of the view that this is a fit case for grant of suspension of sentence, pending appeal and therefore, I am inclined to suspend the sentence and grant bail to the petitioner on the following conditions:-

(a) the petitioner is ordered to be released on bail, on his executing a bond for



a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the Superintendent of Prison, Central Vellore Prison, Vellore;

(b) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhar 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 Appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C., and shall appear before the Trial Court on any other day in *lieu* of the date of his absence, as directed by the Trial Court.

7. This Criminal Miscellaneous Petition is ordered accordingly.

23.06.2022

Index : yes/no

Speaking order/Non-speaking order

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To

1. The Inspector of Police (Crime)
Vellore North Police Station



Vellore District.
(Crime No.41 of 2015)

2. The Public Prosecutor, High Court of Madras.
3. The Superintendent of Police, Central Vellore Prison, Vellore.
4. The Fast Track Mahila Court
(Sessions Court) Vellore, Vellore District.



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D.BHARATHA CHAKRAVARTHY. J.,

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