



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.1482 & 1483 of 2022

IN CRL.R.C.No.116 of 2022

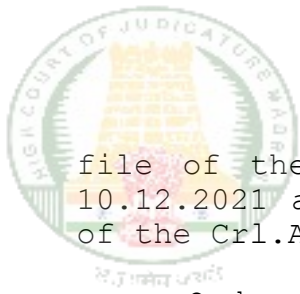
1 RAMANATHAN [PETITIONERS/APPELLANT/ACCUSED
2 KOLANJI IN BOTH THE PETITIONS]
3 KARPAGAVALLI

Vs

THE STATE REP.BY [RESPONDENT/COMPLAINANT
THE INSPECTOR OF POLICE, IN BOTH THE PETITIONS]
ALL WOMEN POLICE STATION,
VRIDHACHALAM.
CRIME NO.18 OF 2011.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order of exemption from surrender by the Petitioners before the Learned Sessions, Judge, Mahila Court, Cuddalore, in pursuance of the Order passed in S.C.No.49 of 2021 dated 10.12.2021 pending the disposal of the above Crl.A.No.116 of 2022. (Crl.M.P.No.1482/2022)

(i) To suspend the sentence, to the effect that under Charge No.4 framed Under Section 294(b) of IPC the Accused A3 to A5 are convicted and taking into consideration the plea of A3 to A5 and the facts and circumstances of the case, A3 to A5 are sentenced to undergo simple imprisonment for a period of 3 (three) months and to pay a fine of Rs.2,000/- (Rupees two thousand only) and in default of payment of fine, each of them shall undergo simple imprisonment for a period of 2 (two) weeks and under Charge No.5 framed under Section 323 of IPC the A3 to A5 are convicted and taking into consideration the plea of A3 to A5 and the facts and circumstances of the cases, A3 to A5 are sentenced to undergo simple imprisonment for a period of 4 (Four) months and to pay a fine of Rs.1,000/- (Rupees One thousand only) and in default of payment of fine, each of them shall undergo simple imprisonment for a period of 2 (two) weeks, imposed on the Petitioners pursuance of the Order passed in S.C.No.49 of 2021 on the



file of the Learned Sessions Judge, Mahila Court, Cuddalore dated 10.12.2021 and enlarge the Petitioners on bail, pending the disposal of the CrI.A.No.116 of 2022, (CrI.M.P.No.1483/2022)

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.SANKARASUBBU, Advocate for the petitioner, [IN BOTH THE PETITIONS] and of M/S.LEONARD ARUL JOSEPH SELVAM, Govt. Advocate (CrI. 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 petitioners/accused, seeking suspension of sentence of imprisonment imposed by the order dated 10.02.2021 in SC.No.49 /2021 passed by the learned Sessions Judge, Mahila Court, Cuddalore and seeking to exempt the petitioners from surrendering before the trial court.

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

3.In and by the Judgment of the Sessions Court, the Petitioners were convicted for the offence under Sections 294 (b) and were sentenced to undergo simple imprisonment for a period of three months and to pay a fine of Rs.2,000/- (Rupees Two Thousand only) and in default of payment of fine, each of them to undergo simple imprisonment for a period of two weeks and were also convicted for the offence under Section 323 IPC and sentenced to undergo simple imprisonment for a period of four months and to pay a fine of Rs.1,000/- (Rupees One thousand only) and in default of payment of fine, each of them to undergo simple imprisonment for a period of two weeks. The above said punishment periods of imprisonment imposed on petitioners/A3 to A5 was ordered to run concurrently. Against which, the present Revision has been filed.

4. According to the learned counsel for the petitioners/accused, there are arguable points available in the Criminal Revision Case, and the petitioners/accused have got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the Petitioners/Accused may be suspended and the petitioners may be exempted from surrendering before the Trial Court.

5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioners, 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, exemption from surrendering and bail are granted on the following conditions:



(a) The petitioners/accused are ordered to be released on bail, on each of them 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 learned Sessions Judge, Mahila Court, Cuddalore.

(b) The petitioners/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 petitioners 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 they are 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 Petitions stand ordered accordingly.

-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 SESSIONS JUDGE,
MAHILA COURT, CUDDALORE.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VRIDHACHALAM.



3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

WEB COPY

+1 C.C. to M/S.R.SANKARASUBBU, Advocate on payment of necessary
charges SR.NO.2630

Order

in
CRL MP.1482 & 1483/2022
in
CRL A.116/2022

Date :17/02/2022

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

TA-24/02/2022