



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.M.P.No.914 of 2022

in

CrI.R.C.No.88 of 2022

G.Stalin

... Petitioner

..Vs..

The Inspector of Police,
Chennai Central Railway Station,
Chennai 600 003.

... Respondent

PRAYER: Criminal Miscellaneous petition filed under Section 389 (3) r/w 401 of Cr.P.C, to suspend sentence of one week imprisonment pursuant to the conviction and sentence passed by the judgment in CrI.A.No.64 of 2020 dated 09.08.2021 on the file of the learned Principal District and Sessions Judge, Chennai, confirming the conviction and sentence passed by the learned XVI Metropolitan Magistrate, George Town, Chennai, in C.C.No.483 of 2019 dated 28.11.2019.

For Petitioner : Mr.P.Madhavan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

(This Case has been heard through video conferencing)

This Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking to suspend sentence of one week imprisonment pursuant to the conviction and sentence passed by the judgment in CrI.A.No.64 of 2020 dated 09.08.2021 on the file of the learned Principal District and Sessions Judge, Chennai, confirming the conviction and sentence passed by the learned XVI Metropolitan Magistrate, George Town, Chennai, in C.C.No.483 of 2019 dated 28.11.2019.



2. In and by the judgment of the trial court, the Petitioner was convicted and sentenced for the offence under section 294(a) I.P.C. to undergo one week simple imprisonment and to pay a fine of Rs.5000/- and in default to undergo one month simple imprisonment. On appeal, the Appellate Court had dismissed the appeal, confirming the conviction and sentence passed by the trial court and against which, the present revision has been filed.

3. Learned counsel for the petitioner would submit that though the petitioner was also charged for the offences under sections 354 IPC, 4 of Tamil Nadu Prohibition of Harrassment of Woman Act and Section 4(1)(j) of TNP Act, the petitioner was acquitted from the above offence. However, without the charges being proved against the accused beyond reasonable doubts, the Courts below found the petitioner guilty for the offence under Section 294(a) of IPC. He would further submit that the courts below erred in convicting the petitioner. 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 has got a fair chance of succeeding in the Criminal revision Case and hence, the sentence imposed against the Petitioner may be suspended and he may be enlarged on bail.

4. Mr. S. Sugendran, learned Additional Public Prosecutor appearing for the respondent would submit that the prosecution examined P.Ws. 1 to 4 and marked Exs. 1 to 4 and on the side of the defence, no evidence was let in. He would further submit that the courts below had rightly convicted the petitioner/accused for the offence under section 294(a) I.P.C. and thereby, would object for grant of suspension of sentence.

5. Heard the learned counsels and perused the materials on record.

6. Considering the facts and circumstances of the case and also considering the submissions made, 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, the reliefs of suspension of sentence and bail are granted, on the following conditions:-

i. The petitioner shall execute 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 XVI Metropolitan Magistrate, George Town, Chennai, within 15 days from the date of commencement of the court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically and on further conditions that:



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.

6. This Criminal Miscellaneous Petition is ordered accordingly.

-sd/-
04/02/2022

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 PRINCIPAL DISTRICT AND SESSIONS JUDGE,
CHENNAI.

2 THE XVI METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI.

3 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE
CHENNAI CENTRAL RAILWAY STATION,
CHENNAI - 600 003.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



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

WEB COPY

+1C.C. to M/S.P.MADHAVAN Advocate on payment of necessary
charges SR.No.1981

Order
in
CRL MP.914/2022
in

CRL.R.C.88/2022

Date :04/02/2022

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

CSK 07/02/2022