



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Ninth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. SESHASAYEE

CRIMINAL MISCELLANEOUS PETITION No.1273 of 2022

in CRL.RC.NO.134 OF 2022

E.SELVARAJ

[PETITIONER]

Vs

STATE OF TAMIL NADU,
REPRESENTED BY,
THE INSPECTOR OF POLICE,
THAZHAMBUR POLICE STATION,
CHENGALPATTU,
CR. NO. 395 OF 2013.

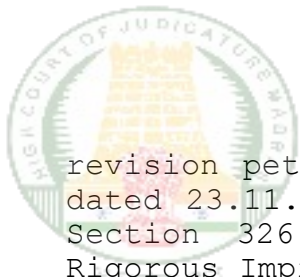
[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.134 OF 2022 on the file of the High Court, the High Court will be pleased to Suspend the execution of sentence of imprisonment passed against the petitioner in Crl.A.No. 19 of 2017 dated 23.11.2021 on the file of Principal District and Sessions Judge, Chengalpatu by partly allowing the sentence of imprisonment in S.C.No.79 of 2015 dated 23.02.2017 on the file of Additional Sessions Judge, Chengalpattu and enlarge the petitioner on bail pending disposal of above Crl.RC.No.134 of 2022.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.134/2022 on the file of the High Court and upon hearing the arguments of M/S. R.VIJAYAKUMAR, Advocate for the petitioner and of MR.LEONARD ARUL JOSEPH SELVAM, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This petition has been filed by the petitioner seeking suspension of his sentence of imprisonment.

2. The revision petitioner herein is arrayed as first accused/A1 for offences under Section 294 (b), 307 r/w 326 I.P.C in Crime No.395/2013 of respondent Police. A2 and A3 were acquitted by the learned Assistant Sessions Judge, Chengalpattu vide judgment dated 23.02.2017. The present revision petitioner / A1 was convicted for maximum offence under Section 307 I.P.C for 5 years Rigorous Imprisonment vide judgment dated 23.02.2017. Aggrieved by that, the



revision petitioner moved learned Sessions Judge, who vide her order dated 23.11.2021 in C.A.No.19/2017 has modified the conviction under Section 326 I.P.C and also modified the sentence from 5 years Rigorous Imprisonment to 1 year Rigorous Imprisonment.

WEB COPY

3. Heard both sides and perused the impugned judgment and the materials available on record.

4. Taking into consideration the submission of the learned counsels appearing on both sides, since there are some arguable points available in the appeal, I am inclined to suspend the substantive sentence of imprisonment alone.

5. Accordingly, pending appeal, substantive sentence of imprisonment alone is suspended and the petitioner is released on bail on him 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 Additional Assistant Sessions Judge, Chengalpattu, with further condition that he shall appear before the said Court on the first working day of every month at 10.30 a.m., until further orders.

6. The learned counsel for the appellant/petitioner consented for a final hearing of the matter.

7. Post the Criminal Revision Case for final disposal on 09.03.2022. The Registry is directed to make available the records of the Courts below by then.

-sd/-

09/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

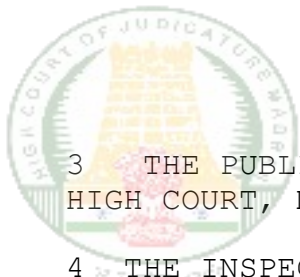
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, KANCHEEPURAM DISTRICT AT
CHENGALPATTU

2 THE ADDITIONAL ASSISTENT
SESSIONS JUDGE, CHENGALPATTU



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THAZHAMBUR POLICE STATION,
CHENGALPATTU.

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

C.C. to M/S. R.VIJAYAKUMAR Advocate on payment of necessary
charges

Order

in
CRL MP.1273/2022

in CRL.RC.NO.134 OF 2022

Date :09/02/2022

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

RVR 14/02/2022