



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. SESHASAYEE

CRIMINAL MISCELLANEOUS PETITION No.1343 & 1344 of 2022

IN CRL RC.150 of 2022

PONNAZHAGU

[PETITIONER]

Vs

STATE REP BY
SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SIRKAZHI
(CRIME NO.12 OF 2003)

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) Suspend the Sentence of imprisonment imposed in Judgment dated 13.10.2016 made in C.C.No.137 of 2004 on the file of the Judicial Magistrate, Sirkazhi Confirming the conviction and Sentence in Judgment dated 21.10.2021 in CA.No.19 of 2016 on the file of the Additional District Judge, FTC Mahila Court Mayiladuthurai and enlarge the petitioner on bail pending disposal of the above Crl.R.C.No.150 of 2022. [CRL.M.P.No.1343/2022]

(ii) Exempt the petitioner herein from surrendering in pursuance of the Judgment dated 13.10.2016 made in CC.No.137 of 2004 on the file of the Judicial Magistrate, Sirkazhi Confirming the conviction and Sentence in Judgment dated 21.10.2021 in CA.No.19 of 2016 on the file of the Additional District Judge, FTC Mahila Court Mayiladuthurai and enlarge the petitioner on bail pending disposal of the above Crl.R.C.No.150 of 2022. [CRL.M.P.No.1344/2022]

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 A.THİYAGARAJAN, 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:-



These Criminal Miscellaneous Petitions have been filed by the petitioner/accused, seeking suspension of sentence imposed on him by judgment dated 13.10.2016 in C.C.No.137 of 2004 passed by the Judicial Magistrate, Sirkazhi, confirmed by judgment dated 21.10.2021 in C.A.No.19 of 2016 passed by the Additional District Judge, (Fast Track Mahila Court), Mayiladuthurai and enlarge the petitioner on bail and also seeking to exempt the petitioner from surrendering before the trial Court

2. The petitioner faced trial in C.C.No.137 of 2004 before the Judicial Magistrate, Sirkazhi and the trial Court, by judgment dated 13.10.2016 has found him guilty of the offence under Section 498A IPC and convicted and sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.1000/-, in default to undergo imprisonment for a period of one month, which was confirmed by the learned Additional District Judge, (Fast Track Mahila Court), Mayiladuthurai in C.A.No.19 of 2016 vide its judgment dated 21.10.2021. Challenging the same, the present revision has been filed.

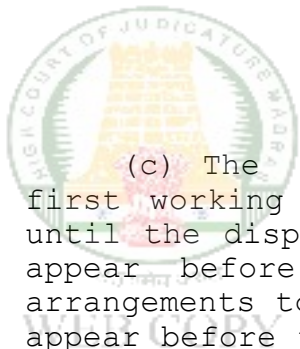
3.This Court heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and also perused the materials placed on record.

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 Case, the reliefs of suspension of sentence, exemption from surrendering are granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on condition that he shall execute 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 Judicial Magistrate, Sirkazhi.

(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 revision petition 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 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.

6. These Criminal Miscellaneous Petition stand ordered accordingly.

-sd/-
18/02/2022

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 JUDICIAL MAGISTRATE,
SIRKAZHI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE ADDITIONAL DISTRICT JUDGE
(FAST TRACK MAHILA COURT) MAYILADUTHURAI

4 THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SIRKAZHI

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



+1 C.C. to M/S A.THIIYAGARAJAN
charges SR.NO.2641

Advocate on payment of necessary

WEB COPY

Order
in
CRL MP.1343 & 1344/2022
in
CRL RC.150/2022

Date :18/02/2022

From 7.2.2001 the Registry is issuing certified
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JPA 23/02/2022