



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. SESHASAYEE

CRIMINAL MISCELLANEOUS PETITION Nos.1477 & 1478 of 2022

IN CRL.RC.No.163 of 2022

1 SIVA @ SIVAKUMAR [PETITIONERS / APPELLANT / ACCUSED]
2 SHANTHI

Vs

STATE REP BY [RESPONDENT / COMPLAINANT]
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUPUR NORTH POLICE STATION,
TIRUPUR DISTRICT.
CRIME NO.46 OF 2014.

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 imposed in C.C.No. 561 of 2016 dated 09.01.2019 on the file of the Judicial Magistrate 1, Tirupur and confirming the the ordere in Crl.Appeal No.20 of 2019 dated 03.01.2022 on the file of Principal Sessions Judge, Tirupur and enlarge the petitioner on Bail, pending disposal of the above Crl.R.C.No.163/2022. [CRL.M.P.Nos.1477/2022]

(ii) Exempt the petitioners from surrendering from lower court as per judgement in C.A.No. 20 of 2019 dated 03.01.2022 on the file of the Principal Sessions Judge, Tirupur.pending disposal of the above Crl.R.C.No.163/2022. [CRL.M.P.Nos.1478/2022]

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 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 petitioners/accused, seeking suspension of sentence of imprisonment imposed by the order dated 09.01.2021 in CC.No.561 /2016 passed by the Judicial Magistrate -1, Tirupur and confirmed by the judgment dated 03/01/2022 in CrI.A.No.20 /2019 on the file of the Principal Sessions Judge, Tirupur 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 offences under 374 of IPC, and Section 23 of Juvenile Justice (care and protection of children) Act, 2000 and sentenced to undergo one year rigorous imprisonment for offence punishable u/s.374 IPC and sentenced to undergo six months imprisonment for offence punishable u/s.23 of Juvenile Justice (care and protection of children) Act, 2000 IPC. The sentences were ordered to run consecutively. 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 petitioner/accused has 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 Judicial Magistrate-1, Tirupur.

(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 Petition stands ordered accordingly.

-sd/-

15/02/2022

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,
NO.I, TIRUPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPUR [FOR INFORMATION].

3 THE PRINCIPAL SESSIONS JUDGE,
TIRUPUR

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUPUR NORTH POLICE STATION,
TIRUPUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S. R.SANKARASUBBU Advocate on payment of necessary charges SR.NO.2366

Order

in

CRL MP.1477 & 1478/2022

in

CRL RC.163/2022

Date :15/02/2022

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JPA 18/02/2022