



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

Thursday, the Tenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. SESHASAYEE

CRIMINAL MISCELLANEOUS PETITION Nos.1340 & 1341 of 2022

in CRL.R.C.No.148 OF 2022

SUBBURAJ

[PETITIONER]

Vs

STATE REP BY
INSPECTOR OF POLICE,
KADATHUR POLICE STATION,
GOBICHETTIPALAYAM TALUK,
ERODE DISTRICT
(CRIME NO.360/2015)

[RESPONDENT]

Petitions praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.R.C.No.148 of 2022 on the file of the High Court, the High Court will be pleased to

(i)Suspend the Sentence imposed on the petitioner by the Judgment dated 08.02.2021 made in C.C.No.55/2016 on the file of the Judicial Magistrate Court No.II, Gobichettipalayam and confirmed by the Judgment dated 26.10.2021 made in CA.No.38/2021 on the file of the III Additional District and Sessions Judge, Erode District at Gobichettipalayam and release the petitioner on bail pending disposal of the above Crl.RC.No.148 of 2022.(IN CRL.MP.No.1340/2022)

(ii)exempt the petitioner from surrendering pursuant to the Judgment dated 08.02.2021 made in C.C.No.55/2016 on the file of the Judicial Magistrate Court No.II, Gobichettipalayam and confirmed by the Judgment dated 26.10.2021 made in CA.No.38/2021 on the file of the III Additional District and Sessions Judge, Erode at Gobichettipalayam pending the above Crl.RC.No.148 of 2022.(IN CRL.MP.No.1341/2022)

Order : These petitions coming on for orders upon perusing the petitions and Memorandum of Grounds in Crl.RC.No.148 of 2022 On the file of the High Court and upon hearing the arguments of M/S K.GОВI GANESAN, Advocate for the petitioner and of THE PUBLIC PROSECUTOR 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 of imprisonment imposed by the order dated 08.02.2021 in CC.No.55 of 2016 passed by the Judicial Magistrate Court No.II, Gobichettipalayam and confirmed by the judgment dated 26.10.2021 in C.A.No.38 of 2021 on the file of the III Addl. District and Sessions Court, Erode District at Gobichettipalayam and seeking to exempt the petitioner from surrendering before the trial court.

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

3. 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 and the petitioner may be exempted from surrendering before the Trial Court.

4. 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 and bail are granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on he 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 No.2, Gobichettipalayam.

(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.



5. These Criminal Miscellaneous Petitions stand ordered accordingly.

WEB COPY

-sd/-

10/02/2022

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.II, GOBICHETTIPALAYAM

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE (FOR INFORMATION)

3 III ADDITIONAL DISTRICT AND
SESSIONS COURT, ERODE

4 INSPECTOR OF POLICE,
KADATHUR POLICE STATION,
GOBICHETTIPALAYAM TALUK,
ERODE DISTRICT

5 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

+2 C.C. to M/S K.GОВI GANESAN Advocate on payment of necessary charges Sr.Nos.2212 & 2211

Order
in

CRL MP. Nos.1340 & 1341 of 2022

in CRL.R.C.No.148 OF 2022

Date :10/02/2022

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

RVR 16/02/2022