



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.Nos.4153 & 4154 of 2022

in

Crl.R.C.No.409 of 2022

Basil Rosario

...Petitioner in both
Petitions

Vs.

The State rep. by
The Inspector of Police,
Tiruppur North Police Station,
Tiruppur.
Crime No.1199/2016

... Respondent in both
Petitions

COMMON PRAYER: Criminal Miscellaneous Petitions filed under Section 397(1) & 482 of Cr.P.C., to suspend the sentence imposed on the petitioner in C.A.No.74 of 2021 on the file of the learned Principal Sessions Judge at Tiruppur dated 17.12.2021 modifying the conviction and sentence passed by the learned Judicial Magistrate No.I at Tiruppur in C.C.No.62 of 2017 dated 13.09.2021 and enlarge the petitioner on bail and to exempt the petitioner from surrendering pending disposal of the above Criminal Revision Petition.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.Leonad Arul Joseph Selvam
Government Advocate (Crl. Side)

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioners/accused, seeking suspension of sentence imposed by the learned Principal Session Judge, Tiruppur, in C.A.No.74 of 2021 dated 17.12.2021, by modifying the judgment and sentence passed in C.C.No.62 of 2017 dated 13.09.2021 by the learned Judicial Magistrate No.I, Tiruppur, and enlarge the petitioner on bail and seeking to exempt the petitioner from surrendering before the trial court pending disposal of the above revision petition



2. The petitioner herein is the accused in C.C.No.62 of 2017 on the file of the learned Judicial Magistrate No.I, Tiruppur. He was found guilty of the offence under Sections 341, 353 of IPC and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 341 of IPC	to pay a fine of Rs.500/-, in default to undergo a simple imprisonment for the period of one week.
2	Section 353 of IPC	to undergo simple imprisonment for a period of two years.

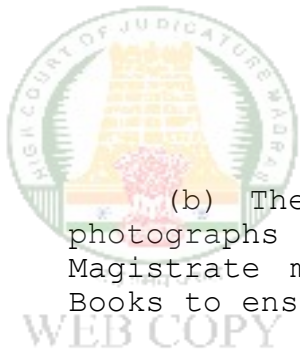
Aggrieved against the same, the petitioner had filed appeal in C.A.No.74 of 2021 and the learned Principal Sessions Judge, Tiruppur, by order dated 17.12.2021, had partly allowed the appeal and modified the conviction and sentence, against which the present revision has been filed.

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. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Heard the learned counsel appearing for the petitioner and also perused the materials placed on record.

5. Considering the facts and circumstances of the case, also considering the submissions of the learned counsel for the petitioner, further this revision is not likely to be taken for final hearing in the near future, 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 his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned District Judicial Magistrate No.I, Tiruppur.



(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 she is not able to appear before the trial Court on any day, she 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. With the above directions, these Criminal Miscellaneous Petitions are ordered.

-sd/-

30/03/2022

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 SESSIONS JUDGE
TIRUPPUR.

2 THE JUDICIAL MAGISTRATE,
NO.1, TIRUPPUR.

3 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
TIRUPUR NORTH POLICE STATION,
TIRUPUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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



+1 C.C. to M/S. J.FRANKLIN
charges SR.NO. 4868

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Advocate on payment of necessary

Order

in
CRL MP.Nos.4153 & 4154 of 2022

in
Crl.R.C.No.409 of 2022

Date :30/03/2022

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

RW 31/03/2022