



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.1739 of 2022

IN CRL.R.C.NO.180 of 2022

RASAIYYAH

[PETITIONER/APPELLANT/ACCUSED]

Vs

1 THE EXECUTIVE MAGISTRATE
CUM DEPUTY COMMISSIONER,
WASHERMENPET DISTRICT

[RESPONDENTS]

2 THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE, (LAW AND ORDER)
H-8, THIRUVOTTIYUR POLICE STATION,
CHENNAI 600 019.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.R.C.NO.180 of 2022 on the file of the High Court, the High Court will be pleased to Suspend the conviction and sentence order dated 01.12.2021 u/s 122(1)(b) of Cr.P.C in MP.No. 75 of 2021 in LIR.No. 544/Sec. Pro/DCP-WPT/2021 in H-8, Thiruvottiyur P.S., S.I. No. 108/2021 u/s 110 of Cr.P.C (On the file of the Executive Magistrate Cum Deputy Commissioner , Washermenpet District) to undergo Simple Imprisonment of 316 days and enlarged the petitioner on bail and thus render justice.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.R.C.NO.180 of 2022 on the file of the High Court and upon hearing the arguments of M/S. M.ILLIYAS Advocate for the Petitioner and of MR.LEONARD ARUL JOSEPH SELVAM, Govt. Advocate (Crl. Side) on behalf of the Respondents the court made the following order:-

The Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking suspension of sentence of imprisonment imposed by the order dated 01.12.2021 passed u/s.122(1)(b) of Cr.P.C. in MP.No.75 of 2021 in LIR.No.544/Sec. Pro/DCP-WPT/2021 in H-8,



Thiruvottiyur P.S., S.I. No.108/2021 u/s 110 of Cr.P.C (on the file of the Executive Magistrate cum Deputy Commissioner, Washermenpet District)

2. In and by the judgment of the Executive Magistrate cum Deputy Commissioner, Washermenpet District, the Petitioner was convicted for the offence under Section 122(1)(b) of Cr.P.C and sentenced to undergo simple imprisonment for 316 days. Against which, the present revision has been filed.

3. This Court heard the learned counsel for the petitioner 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, the reliefs of suspension of sentence and bail is 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 Court, Thiruvottiyur.

(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 Criminal Revision 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. The
accordingly.

Criminal Miscellaneous Petition stands ordered

-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,
THIRUVOTTIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE EXECUTIVE MAGISTRATE
CUM DEPUTY COMMISSIONER,
WASHERMENPET DISTRICT.

4 THE INSPECTOR OF POLICE, (LAW AND ORDER)
H-8, THIRUVOTTIYUR POLICE STATION,
CHENNAI 600 019.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1C.C. to M/S. M.ILLIYAS Advocate on payment of necessary
charges SR.No.2708

Order
in
CRL MP.1739/2022
in
CRL.R.C.180/2022
Date :18/02/2022

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

CSK 22/02/2022