



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.1745 of 2022

IN

CRL A.137/2022

VELMURUGAN

[PETITIONER]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VRIDHACHALAM. (CR.NO. 18 / 2011)

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.137/2022 on the file of the High Court, the High Court will be pleased to suspend the sentence, to the effect that under charge no. 5 framed under section 323 of IPC the First Accused is convicted and taking into consideration the plea of A1 and the facts and circumstances of the case, A1 is sentenced to undergo SI for a period of 4(four) months and to pay a fine of Rs. 1,000/- (Rupees One thousand only) and in default of payment of fine, he shall undergo SI for a period of 2(two) weeks and under Charge No. 6 framed under Section 4 of the TamilNadu Prohibition of Harassment of Women Act, A1 is convicted and taking into consideration the plea of A1 and the facts and circumstances of the case, he is sentenced to undergo SI for a period of 2 years and 6 months and to pay a fine of Rs.15,000/- (Rupees fifteen thousand only) and in default of payment of fine, he shall undergo simple imprisonment for a period of 6 (six) months, imposed on the petitioner in pursuance of the order passed in S.C.No.49 of 2021 on the file of the learned Sessions Judge, Mahila Court, Cuddalore dated 10/12/2021 and enlarge the petitioner on bail pending the disposal of the Crl.A.No.137 of 2022.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.137/2022 on the file of the High Court 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:-

This Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking suspension of sentence of imprisonment imposed by the order dated 10.12.2021 in S.C.No.49 /2021 passed by the Learned Sessions Judge, Mahila Court, Cuddalore.

2. In and by the judgment of Sessions Court, the Petitioner was convicted for the offences under Sections 323 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, and sentenced to undergo Simple imprisonment for a period of 4 months and to pay a fine of Rs.1000/- and in default of payment of fine, to undergo simple imprisonment for a period of 2 weeks and further sentenced to undergo simple imprisonment for a period of two years and six months and to pay a fine of Rs.15,000/-, and in default of payment of fine, to undergo six months simple imprisonment. 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 Appeal, and the petitioner/accused has got a fair chance of succeeding in the Criminal Appeal 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 Appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on him 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 Hon'ble Sessions Judge, Mahila Court, Cuddalore;

(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 was 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/-

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 SESSIONS JUDGE,
MAHILA COURT, CUDDALORE

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VRIDHACHALAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S. R.SANKARASUBBU Advocate on payment of necessary charges Sr.2631

Order
in
CRL MP.1745/2022

in
CRL A.137/2022

Date :18/02/2022

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RVR 28/02/2022