



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.Nos.2577 & 2578 of 2022

in

Crl.RC.No.259 of 2022

K.Dhandapani

... Petitioner/A3

Vs.

State by its
Deputy Superintendent of Police,
CCIW Police,
Krishnagiri,
Krishnagiri District
(Cr.No.1 of 2005)

... Respondent

PRAYER: Criminal Miscellaneous Petitions filed under Section 397 (1) r/w 439 & 482 of Cr.P.C to suspend the sentence imposed upon the petitioner in CA.No.46 of 2018 by judgment dated 30.11.2021 by the District and Sessions Judge, Krishnagiri by confirming the judgment and sentence passed in CC.No.104 of 2007 dated 28.08.2018 passed by the Judicial Magistrate, Uthangarai and enlarge the petitioner on bail pending disposal of the above revision petition and to exempt the petitioner from surrendering.

For Petitioner : Mr.K.G.Senthilkumar

For Respondent : Mr.Leonard Arul Joseph Selvam,
Government Advocate (crl.side)

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioner/A3, seeking suspension of sentence imposed upon the petitioner in CA.No.46 of 2018 by judgment dated 30.11.2021 by the District and Sessions Judge, Krishnagiri by confirming the judgment



and sentence passed in CC.No.104 of 2007 dated 28.08.2018 passed by the Judicial Magistrate, Uthangarai and enlarge the petitioner on bail pending disposal of the above revision petition and seeking to exempt the petitioner from surrendering before the trial court.

2. The petitioner herein is the third accused in CC.No.104 of 2007 on the file of the learned Judicial Magistrate, Uthangarai, Krishnagiri District. He was found guilty of the offence under Sections 408 and 477A of IPC and he has been convicted and sentenced as under:

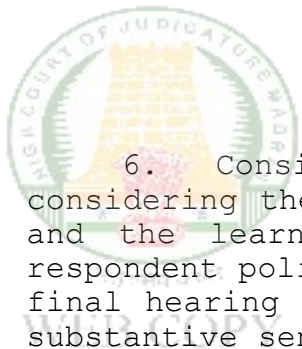
S.No.	Conviction	Sentence
1	Section 408 of IPC	to undergo a simple imprisonment for a period of one year and to pay a fine of Rs.2,500/-, in default to undergo 4 weeks simple imprisonment
2	Section 477A of IPC	to undergo a simple imprisonment for a period of one year and to pay compensation of Rs.1,00,000/- to the District Central Co-operative Bank, Uthangarai Branch within a period of 12 months.

Aggrieved against the same, the petitioner had filed appeal in CA.No.46 of 2018 and the learned District and Sessions Court, Krishnagiri, Krishnagiri District by judgment dated 30.11.2021 had dismissed the appeal and confirmed the conviction and sentence, against which the present revision has been filed.

3. According to the learned counsel for the petitioner/A3, there are arguable points available in the Criminal Revision Case and the petitioner/A3 has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the Petitioner/A3 may be suspended and the petitioner may be exempted from surrendering before the Trial Court.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned counsel appearing on either side and also perused the materials placed on record.



6. Considering the facts and circumstances of the case, also considering the submissions of the learned counsel for the petitioner and the learned Government Advocate (crl.side) appearing for the respondent police, 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/A3 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, Uthangarai.

(b) The petitioner/A3 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.

7. With the above directions, these Criminal Miscellaneous Petitions are ordered.

-sd/-
03/03/2022

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 DISTRICT AND SESSIONS JUDGE,
KRISHNAGIRI

2 THE JUDICIAL MAGISTRATE,
UTHANGARAI.

3 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION].

4 THE DEPUTY SUPERINTENDENT OF POLICE,
CCIW POLICE STATION,
KRISHNAGIRI DISTRICT

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 C.C. to M/S M.S.PALANISWAMY Advocate on payment of necessary
charges SR.NOS.3262 & 3263

Order
in
CRL MP.2577 & 2578/2022
in
CRL RC.259/2022

Date :03/03/2022

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JPA 04/03/2022