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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

CrI.M.P.No.3594 of 2022

in

CrI.A.No.143 of 2021

R.Karthik

...Petitioner/A1

Vs.

The State rep. by
The Inspector of Police,
Rasipuram Police Station,
Namakkal District
(crime No.801 of 2011)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C to suspend the sentence of imprisonment imposed by the learned Sessions (Fast Track Mahila) Judge, Namakkal in S.C.No.5 of 2014 dated 02.12.2020 and enlarge the petitioner on bail pending disposal of CrI.A.No.143 of 2021

For Petitioner : Mr.P.Vimal Raj

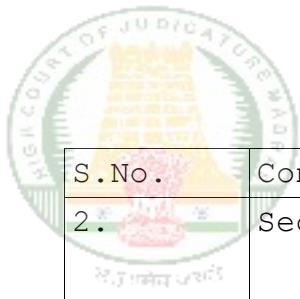
For Respondent : Mr.Leonard Arul Joseph Selvam,
Government Advocate (crl.side)

O R D E R

This Criminal Miscellaneous Petition has been filed by the petitioner/A1, seeking suspension of sentence imposed upon the petitioner in S.C.No.5 of 2014 dated 02.12.2020 by the learned Sessions (Fast Track Mahila) Judge, Namakkal and enlarge the petitioner on bail pending disposal of the above criminal appeal.

2. The petitioner herein is the first accused in SC.No.5 of 2014 on the file of the learned Sessions (Fast Track Mahila) Judge, Namakkal. He was found guilty of the offence under Sections 498(A) and 306 of IPC and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 498(A) of IPC	to undergo three years rigorous imprisonment and fine of Rs.1,000/-, in default to undergo six months simple imprisonment



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S.No.	Conviction	Sentence
2.	Section 306 of IPC	to undergo five years rigorous imprisonment and fine of Rs.1,000/-, in default to undergo six months simple imprisonment

The sentences are ordered to run concurrently

Aggrieved against the same, the petitioner has filed the present criminal appeal.

3. According to the learned counsel for the petitioner, there are arguable points available in the Criminal Appeal and the petitioner has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the Petitioner may be suspended.

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.

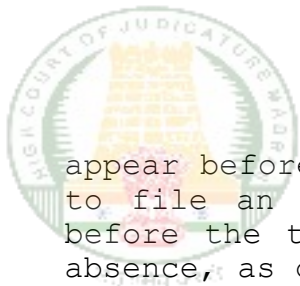
5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

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 appeal 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 Appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) The petitioner 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 Judicial Magistrate No.1, Rasipuram

(b) The petitioner 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 appeal 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.

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7. With the above directions, this Criminal Miscellaneous Petition is ordered.

-sd/-

24/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE, NO. I, RASIPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 THE SESSIONS (FAST TRACK
MAHILA COURT) JUDGE, NAMAKKAL

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
RASIPURAM POLICE STATION,
NAMAKKAL DISTRICT.

6 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

C.C. to P. VIMAL RAJ Advocate on payment of necessary charges
SR. 4447

Order

in

CRL MP.3594/2022

in

CRL A.143/2021

Date : 24/03/2022

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

RVR 25/03/2022