



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.Nos.4851 and 4852 of 2022
in Crl.R.C.No.467 of 2022

1.Raja
2.Venkatesan
3.Purushothaman
4.Shanmugam

... Petitioners / Accused
[in both Crl.M.Ps]

versus

State rep. by
Inspector of Police,
Valathy Police Station.

... Respondent / Complainant
[in both Crl.M.Ps]

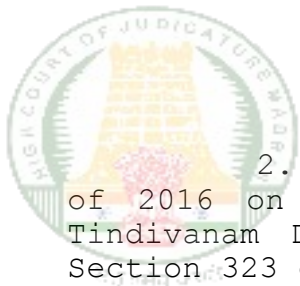
COMMON PRAYER: Criminal Miscellaneous Petitions have been filed under Section 389 & 482 of Cr.P.C., praying to suspend the sentence imposed by the judgment dated 18.02.2022 in C.A.No.24 of 2019 on the file of the learned II Additional District and Sessions Judge, Tindivanam, by confirming the judgment and sentence passed in C.C.No.145 of 2016 dated 08.02.2019 passed by the learned Judicial Magistrate, Gingee, Tindivanam District and enlarge the petitioners on bail pending disposal of the above revision petition and to exempt the petitioners from surrendering before the trial Court.

For Petitioners : Mr.K.Venkateswaran
[in both Crl.M.Ps]

For Respondent : Mr.Leonard Arul Joseph Selvam
[in both Crl.M.Ps] Government Advocate (Crl.Side)

C O M M O N O R D E R

These Criminal Miscellaneous Petitions have been preferred by the petitioners/accused, seeking to suspend the sentence imposed upon them, by judgment and order dated 18.02.2022 passed in C.A.No.24 of 2019 by the learned II Additional District and Sessions Judge, Tindivanam, by confirming the judgment and sentence dated 08.02.2019 passed in C.C.No.145 of 2016 by the learned Judicial Magistrate, Gingee, Tindivanam District and to enlarge the petitioners on bail and seeking to exempt them from surrendering before the trial Court.



2. The petitioners herein are the accused in C.C.No.145 of 2016 on the file of the learned Judicial Magistrate, Gingee, Tindivanam District. They were found guilty of the offence under Section 323 of IPC and have been convicted and sentenced as under:

Offence	Sentence
Section 323 of IPC	Simple Imprisonment for a period of 12 months along with fine of Rs.1,000/- each, in default, to undergo Simple Imprisonment for 1 month

3. Aggrieved against the same, the petitioners had filed appeal in C.A.No.24 of 2019 and the learned II Additional District and Sessions Judge, Tindivanam, by judgment dated 18.02.2022 had dismissed the appeal and confirmed the conviction and sentence, against which the present revision has been filed.

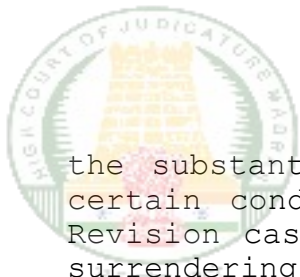
4. The case of the prosecution is that due to wordy quarrel, the accused assaulted the de facto complainant with iron rod and caused grievous injury. Therefore, the respondent police registered a case against the petitioners/accused for an offence punishable under Section 323 of IPC.

5. According to the learned counsel for the petitioners/accused, there are arguable points available in the Criminal Revision Case and the petitioners/accused have got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioners/accused may be suspended and the petitioners may be exempted from surrendering before the trial Court.

6. 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.

7. Heard Mr.K.Venkateswaran, learned counsel appearing for the petitioners/accused and Mr.Leonard Arul Joseph Selvam, learned Government Advocate (Crl. Side), appearing for the respondent/State and also perused the materials placed on record.

8. Submissions made by the learned counsel appearing on either side are considered. The evidence given by P.W.1 in respect to the alleged occurrence needs a detailed appraisal. Here, it is a case, the revision petition is not likely to be taken up in the near future. In such a view of the matter, 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:

WEB COPY

(a) The petitioners/accused are ordered to be released on bail, on each of them 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, Gingee, Tindivanam District;

(b) The petitioners/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; and

(c) The petitioners 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 appeal and if they are 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.

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

-sd/-

18/04/2022

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,
GINGEE, THINDIVANAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 II ADDITIONAL DISTRICT AND
SESSIONS JUDGE, TINDIVANAM



4 INSPECTOR OF POLICE
VALATHY POLICE STATION,
GINGEE, VILLUPURAM

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

C.C. to M/S.K.VENKATESWARAN Advocate on payment of necessary
charges

Order

in
Crl.M.P.Nos.4851 and 4852 of 2022

in Crl.R.C.No.467 of 2022

Date :18/04/2022

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

RVR 19/04/2022