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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.Nos.3789 & 3791 of 2022

in

Crl.R.C.No.368 of 2022

G.Venkatraman

...Petitioner in both
Petitions

Vs.

The State by
The Deputy Superintendent of Police,
CCIW of Police,
Krishnagiri,
Krishnagiri District.

... Respondent in both
Petitions

COMMON PRAYER: Criminal Miscellaneous Petitions filed under Section 482 of Cr.P.C., to release the petitioner on bail by suspending the sentence in C.A.No.39 of 2018 on the file of the learned Principal District and Sessions Judge, Krishnagiri, dated 30.11.2021, thereby confirming the sentence and judgment passed in C.C.No.103 of 2007 on the file of the learned Judicial Magistrate, Uthangarai, dated 28.08.2018, and to exempt the petitioner from surrendering pending disposal of the above Criminal Revision Petition.

For Petitioner in
both petitions : Mr.K.Thiruvengadam

For Respondent in
both petitions : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking suspension of sentence imposed by the learned Principal District and Session Judge, Krishnagiri, in C.A.No.39 of 2018 dated 30.11.2021, by confirming the judgment and sentence passed in C.C.No.103 of 2007 dated 28.08.2018, by the learned Judicial Magistrate, Uthangarai, and enlarge the petitioner on bail and seeking to exempt the petitioner from surrendering before the trial Court pending disposal of the above revision petition.



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2. The petitioner herein is the accused in C.C.No.103 of 2007 on the file of the learned Judicial Magistrate, Uthangarai. He was found guilty of the offence under Sections 408 & 477-A of IPC and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 408 of IPC	to undergo simple imprisonment for a period of three (3) years and to pay fine of Rs.10,000/-, in default to undergo simple imprisonment for sixteen (16) weeks.
2	Section 477-A of IPC	to undergo simple imprisonment for a period of three (3) years and to pay compensation of Rs.7,00,000/- to Dharmapuri District Central Co-operative Bank, Uthangarai, in default to undergo simple imprisonment for twenty four (24) weeks.

Aggrieved against the same, the petitioner had filed appeal in C.A.No.39 of 2018 and the learned Principal District and Session Judge, Krishnagiri, by order dated 30.11.2021, had dismissed the appeal and confirmed the conviction and sentence, against which the present revision has been filed.

3. The learned counsel for the petitioner/accused would submit that 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. Further it is his specific submission that the petitioner was enlarged on bail during the time of pendency of the appeal before the first appellate Court and the petitioner may be exempted from surrendering before the Trial Court. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing these petitions. 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 coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police, further this criminal 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 and bail are granted on the following conditions:

(a) The petitioner/accused 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, Uthangarai.

(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 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/-
20/04/2022

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.



1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, KRISHNAGIRI.

2 THE JUDICIAL MAGISTRATE,
UTHANGARAI.

3 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT. [FOR INFORMATION]

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

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

Order

in
CRL MP.Nos.3789 & 3791 /2022

in
Cr1.R.C.No.368 of 2022

Date :20/04/2022

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RW 21/04/2022