



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.Nos.3813 & 3812 of 2022

in Crl.RC.No.373 of 2022

Dr.John Samuel

...Petitioner/A1

Vs.

State of Tamilnadu,
Rep. by the Inspector of Police,
CBCID Police, Police Research Centre,
Chennai
Cr.No.2 of 2001

... Respondent

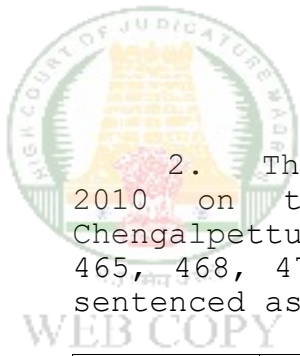
PRAYER: Criminal Miscellaneous Petitions filed under Sections 397(1) and 482 of Cr.P.C to suspend the sentence of imprisonment imposed by the learned Principal District and Sessions Judge of Kancheepuram District at Chengalpettu in Crl.A.No.16 of 2016 dated 18.02.2022 by partly confirming the judgment and sentence passed in CC.No.495 of 2010 dated 21.04.2016 by the learned Judicial Magistrate No.I, Chengalpettu and enlarge the petitioner on bail pending disposal of Crl.RC.No.373 of 2022 and to exempt the petitioner from surrendering before the trial court.

For Petitioner : M/s.V.Mythili

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

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioner/A1, seeking to suspend the sentence of imprisonment imposed upon the petitioner in Crl.A.No.16 of 2016 dated 18.02.2022 by the learned Principal District and Sessions Judge of Kancheepuram District at Chengalpettu by partly confirming the judgment and sentence passed in CC.No.495 of 2010 dated 21.04.2016 by the learned Judicial Magistrate No.I, Chengalpettu 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 first accused in CC.No.495 of 2010 on the file of the learned Judicial Magistrate No.I, Chengalpattu. He was found guilty of the offence under Sections 408, 465, 468, 471 & 477(A) r/w 109 of IPC and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 408 of IPC	to undergo two years rigorous imprisonment and a fine of Rs.1,000/-, in default to undergo one month rigorous imprisonment
2	Section 465 of IPC	to undergo two years rigorous imprisonment and a fine of Rs.1,000/-, in default to undergo one month rigorous imprisonment
3	Section 468 of IPC	to undergo two years rigorous imprisonment and a fine of Rs.1,000/-, in default to undergo one month rigorous imprisonment
4	Section 471 of IPC	to undergo two years rigorous imprisonment and a fine of Rs.1,000/-, in default to undergo one month rigorous imprisonment
5	Section 477(A) r/w 109 of IPC	to undergo two years rigorous imprisonment and a fine of Rs.1,000/-, in default to undergo one month rigorous imprisonment
The sentences are ordered to run concurrently		

Aggrieved against the same, the petitioner had filed appeal in Crl.A.No.16 of 2016 and the learned Principal District and Sessions Judge of Kancheepuram District at Chengalpattu by judgment dated 18.02.2022 partly allowed the appeal, wherein the petitioner 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 one year rigorous imprisonment
2	Section 477(A) of IPC	to undergo one year rigorous imprisonment
Fine amount of Rs.1,000/- for each offence is confirmed		
The sentences are ordered to run concurrently		

Aggrieved over the same the present revision has been filed.



3. According to the learned counsel for the petitioner/A1, there are arguable points available in the Criminal Revision Case and the petitioner/A1 has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the Petitioner/A1 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 the 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, 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/A1 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.I, Chengalpattu

(b) The petitioner/A1 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/-
25/03/2022

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 PRINCIPAL DISTRICT
AND SESSIONS JUDGE OF KANCHEEPURAM DISTRICT.

2 THE JUDICIAL MAGISTRATE NO.I,
CHENGALPETTU.

3 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
CBCID POLICE, POLICE RESEARCH CENTER,
CHENNAI

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

Copy To:

THE SECTION OFFICER,
CRIMINAL SECTION
HIGH COURT, MADRAS.

+2 C.C. to M/S V.MYTHILI Advocate on payment of necessary
charges SR.NO.4526, 4527

Order
in
CRL MP.3813 & 3812/2022
in
CRL RC.373/2022

Date :25/03/2022

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TA-28/03/2022