



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.Nos.4137 & 4138 of 2022

in

Crl.R.C.No.405 of 2022

P.Muniyasamy

... Petitioner in both
Petitions

Vs.

The State rep. by
The Inspector of Police,
Railway Police Station,
Villupuram.

... Respondent in both
Petitions

COMMON PRAYER: Criminal Miscellaneous Petitions filed under Section 397 (1) r/w 439 of Cr.P.C., to suspend the sentence and enlarge the petitioner on bail in C.A.No.8 of 2021 on the file of the learned Principal Sessions Judge, Villupuram, dated 28.02.2022 confirming the conviction in C.C.No.146 of 2020 dated 16.04.2021 on the file of the learned Judicial Magistrate, Additional Mahila Court, Villupuram and to exempt the petitioner from surrendering pending disposal of the above Criminal Revision Petition.

For Petitioner : Mr.N.Vijayaraj

For Respondent : Mr.Leonad Arul Joseph Selvam
Government Advocate (Crl. Side)

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed by the petitioners/accused, seeking suspension of sentence imposed by the learned Principal Session Judge, Villupuram, in C.A.No.8 of 2021 dated 28.02.2022, by confirming the judgment and sentence passed in C.C.No.146 of 2020 dated 16.04.2021 by the learned Judicial Magistrate, Additional Mahila Court, Villupuram, 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

2. The petitioner herein is the accused in C.C.No.146 of 2020 on the file of the learned Judicial Magistrate, Additional Mahila Court, Villupuram. He was found guilty of the offence under Section 162(a) of the Railways Act, 1989 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women (Amendment) Act, 2002 and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 162(a) of the Railways Act, 1989	to pay a fine of Rs.500/-, in default to undergo a simple imprisonment for the period of one month.
2	Section 4 of the Tamil Nadu Prohibition of Harassment of Women (Amendment) Act, 2002	to undergo simple imprisonment for a period of one year and to pay a fine of Rs.10,000/-, in default to undergo a simple imprisonment for six months.

Aggrieved against the same, the petitioner had filed appeal in C.A.No.8 of 2021 and the learned Principal Sessions Judge, Villupuram, by order dated 28.02.2022, 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/accused, 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 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. Heard the learned counsel appearing for the petitioner and also perused the materials placed on record.

5. Considering the facts and circumstances of the case, also considering the submissions of the learned counsel for the petitioner, 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:



4 THE INSPECTOR OF POLICE,
RAILWAY POLICE STATION,
VILLUPURAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SECTION OFFICER
CRIMINAL SECTION, HIGH COURT, MADRAS

+3 C.C. to M/S. N.VIJAYARAJ Advocate on payment of necessary
charges SR.NOS.4804, 4784 & 4785

Order
in
CRL MP.4137 & 4138/2022
in
CRL RC.405/2022

Date :30/03/2022

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JPA 31/03/2022