



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.No.4788 of 2022

in Crl.R.C.No.593 of 2020

Amutha

... Petitioner
Accused

versus

State rep. By,
The Inspector of Police,
Rasipuram Police Station,
Namakkal District.
(Crime No.741 of 2012)

... Respondent /
Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 389 (1) of Cr.P.C., praying to suspend the sentence imposed against the petitioner by judgment dated 15.06.2020 passed in C.A.No.76 of 2019 on the file of the learned Principal District and Sessions Judge, Namakkal, by confirming the judgment dated 01.11.2019 passed in S.C.No.15 of 2013 on the file of the learned Additional Assistant Sessions Judge, Namakkal and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition.

For Petitioner : Mr.R.Sankarasubbu
for Mr.G.Anbuchezeian
[Dated 08/04/2022]

Mr.G.Anbuchezeian
[Dated 21/04/2022]

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



ORDER

This Criminal Miscellaneous Petition has been preferred by the petitioner/accused, seeking to suspend the sentence of imprisonment imposed upon her, by judgment and order dated 15.06.2020 passed in C.A.No.76 of 2019 on the file of the learned Principal District and Sessions Judge, Namakkal, by confirming the judgment dated 01.11.2019 passed in S.C.No.15 of 2013 on the file of the learned Additional Assistant Sessions Judge, Namakkal and to enlarge her on bail, pending disposal of the Criminal Revision Petition.

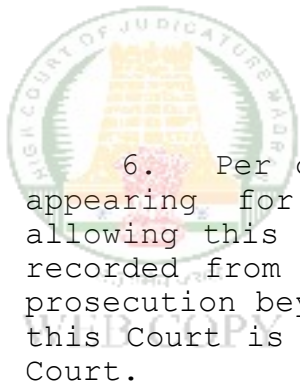
2. The petitioner, who is the accused in S.C.No.15 of 2013 on the file of the learned Additional Assistant Sessions Judge, Namakkal. She was found guilty for the offences under Sections 451, 394 r/w 397 of IPC and she has been convicted and sentenced as under:

Offence	Sentence
394 r/w 397 of IPC	Rigorous Imprisonment for 7 years along with fine of Rs.5,000/-, in default, to undergo Simple Imprisonment for 6 months
451 of IPC	Simple Imprisonment for 2 years along with fine of Rs.1,000/-, in default, to undergo Simple Imprisonment for 2 months

3. Aggrieved against the same, the petitioner had filed appeal in C.A.No.76 of 2019 and the learned Principal District and Sessions Judge, Namakkal, by order dated 15.06.2020 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 on 20.08.2012, when the victim was watching T.V. in her house, the accused trespassed into the house and forcibly snatched 6½ sovereigns of gold thalikodi worth about Rs.1,30,000/- and also beaten her with a wooden log and caused grievous injury. Therefore, the respondent police registered a case against the petitioner/accused for the offences punishable under Sections 451, 394 r/w 397 of IPC.

5. According to the learned counsel for the petitioner, there are arguable points available in this revision petition and the petitioner has got a fair chance of succeeding in this revision petition and hence, the substantive sentence imposed against the petitioner may be suspended 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.R.Sankarasubbu, learned counsel for Mr.G.Anbuchezeian appearing for the petitioner/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. Further, the petitioner is in incarceration from 15.06.2020. In such a view of the matter, this Court is of the view that the petitioner/accused is entitled to the relief of suspension of sentence and bail.

9. Accordingly, sentence of imprisonment alone is suspended and bail is granted to the petitioner on the following conditions:

(a) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, each for a like sum to the satisfaction of the learned **(*)Judicial Magistrate, Rasipuram;**

(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; and

(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 and if she is not able to appear before the trial Court on any day, she 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 her absence, as directed by the trial Court.



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

WEB COPY

-sd/-
08/04/2022

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.

(*) AMENDED AS PER ORDER OF THIS COURT DATED 21/04/2022 MADE IN CRL.MP.No.5298 OF 2022 IN CRL.R.C.NO.593 OF 2020

TO

1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, NAMAKKAL.

2 THE ADDITIONAL ASSISTANT
SESSIONS JUDGE, NAMAKKAL.

**(*) 3 THE JUDICIAL MAGISTRATE,
RASIPURAM.**

4 THE JUDICIAL MAGISTRATE,
NAMAKKAL.

5 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

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

7 THE SUPERINTENDENT OF PRISON
CENTRAL PRISON, WOMEN CELL, COIMBATORE.

8 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



+1 C.C. to M/S.G.ANBUCHEZHAIYAN Advocate on payment of necessary charges SR.NO.5941

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Order
in
CRL MP.4788/2022
in
CRL RC.593/2020

Date :08/04/2022

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JPA 08/04/2022

JPA 22/04/2022