



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.6170 of 2022

in Crl.R.C.No.585 of 2022

V.Jayabalan

... Petitioner

Versus

State by
Inspector of Police,
K.7, I.C.F. Police Station,
I.C.F., Chennai-600 038.
(Crime No.34 of 2014)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397 & 439 of the Cr.P.C., to suspend the sentence imposed on him by the trial Court in C.C.No.2708 of 2015 by Judgment dated 01.08.2019 on the file of the learned V Metropolitan Magistrate, Egmore, Chennai-8 which was confirmed by the Appellate Court in C.A.No.304 of 2019 on the file of the learned XXI Additional Sessions Judge, Chennai-1, City Civil Court, Chennai by judgment dated 24.06.2020 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition.

For Petitioner : Mr.H.Maruthiraj

For Respondent : Mr.S.Vinoth Kumar,
Govt.Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed on him by the trial Court in C.C.No.2708 of 2015 by Judgment dated 01.08.2019 on the file of the learned V Metropolitan Magistrate, Egmore, Chennai-8 which was confirmed by the Appellate Court in C.A.No.304 of 2019 on the file of the learned XXI Additional Sessions Judge, Chennai-1, City Civil Court, Chennai by judgment dated 24.06.2020 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition.



2. Heard the learned Counsel for the petitioner and learned Government Advocate (Criminal Side) for the respondent.

3. Today, when the matter came up for hearing, the learned Counsel for the petitioner would submit that the petitioner has surrendered before the trial Court. He would submit that the *prima-facie* conviction of the petitioner is incorrect and therefore, prays for suspending the sentence.

4. Per contra, the learned Government Advocate (Crl.Side) would submit that the Trial Court has rightly convicted the petitioner and opposed the prayer of grant of suspension of sentence.

5. I have considered the rival submissions made on either side and perused the materials on record.

6. Considering the nature of the offence and period of conviction, I am of the view that this is a fit case for grant of suspense of sentence pending the above revision. Therefore, I am inclined to suspend the sentence and grant bail to the petitioner on the following conditions:-

(a) the petitioner 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 Trial Court;

(b) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhar 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 Criminal Revision Case 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 of 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. This Criminal Miscellaneous Petition is ordered accordingly.

-sd/-

22/06/2022

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 V METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI-8.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE XXI ADDITIONAL SESSIONS JUDGE,
CHENNAI-1, CITY CIVIL COURT,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
K.7. I.C.F. POLICE STATION,
I.C.F. CHENNAI - 600038.

+2 C.C. to M/S. H.MARUTHIRAJ Advocate on payment of necessary
charges SR.NO.9690

Order

in
CRL MP.6170/2022

in
CRL RC.585/2022

Date :22/06/2022

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TA-23/06/2022