



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.5206 of 2022 in Crl.R.C.No.402 of 2022

Selvaraj

... Petitioner

Versus

The State rep. by
Inspector of Police,
Annamalai Nagar Police Station,
(Cr.No.142 of 2012)
Chidambaram.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) and 439 of the Code of Criminal Procedure to suspend the sentence of imprisonment, dated 05.11.2020 passed in S.C.No.145 of 2013 by the learned Assistant Sessions Judge, Chidambaram and confirmed in C.A.No.14 of 2020, dated 31.01.2022 on the file of the learned II Additional Sessions Judge, Chidambaram pending disposal of Crl.R.C.No.402 of 2022 filed before this Court.

For Petitioner : Mr.K.V.Sridharan

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

ORDER

This Criminal Miscellaneous Petition is to suspend the sentence of imprisonment, dated 05.11.2020 passed in S.C.No.145 of 2013 by the learned Assistant Sessions Judge, Chidambaram and confirmed in C.A.No.14 of 2020, dated 31.01.2022 on the file of the learned II Additional Sessions Judge, Chidambaram pending disposal of Crl.R.C.No.402 of 2022 filed before the Court.



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

3. The learned Counsel for the petitioner would submit that this is a case where originally, when the case was registered, offence under Section 307 of I.P.C was not alleged and it was subsequently altered and even though there are injuries on the head and other parts of the body, they were simple in nature. He would submit that the petitioner was under incarceration from the date of the judgment i.e., from 05.11.2020 and the petitioner and the petitioner is in jail from 11.04.2022. He would further submit that the Trial Court, without considering the valid defence raised by the accused, convicted the accused and therefore, prays for suspension of sentence.

4. The learned Government Advocate (Crl. Side) would submit that as per the case of the prosecution, on 25.07.2012 at about 1.00 P.M, with an intention to kill the de-facto complainant, the accused came to the house of the de-facto complainant, called him and by taking a knife from the bag, the accused caused injury to the de-facto complainant and therefore, he would submit that the Trial Court has rightly convicted the petitioner and the other accused.

5. I have considered the rival submissions made on either side and perused the material records of the case. Considering the submissions made by the learned Counsel for the petitioner and the grounds raised in the appeal for making out prima facie case and considering the nature of allegations, I am of the view that this is a fit case where suspension of sentence can be granted pending the Revision.

6. Accordingly, this Criminal Miscellaneous Petition is ordered 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 Judge 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.

-sd/-

15/06/2022

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 ASSISTANT SESSIONS
JUDGE, CHIDAMBARAM.

2 THE II ADDITIONAL SESSIONS JUDGE,
CHIDAMBARAM.

3 INSPECTOR OF POLICE
ANNAMALAI NAGAR POLICE STATION,
CHIDAMBARAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

6 THE SECTION OFFICER,
CRIMINAL SECTION, HIGH COURT, MADRAS.

+1 C.C. to M/S.K.V.SRIDHARAN Advocate on payment of necessary charges SR.NO. 9127

Order

in

CRL MP.5206/2022

in Crl.R.C.No.402 of 2022

Date :15/06/2022

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RW-15/06/2022