



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.No.5246 of 2022

in

Crl.A.No.427 of 2022

Tamizhmani

...Petitioner

Vs.

The State by
The Deputy Superintendent of Police,
Mailam Police Station,
Villupuram District.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence of 3 years Rigorous imprisonment on the petitioner in S.C.No.218 of 2016 by the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Villupuram in the judgment dated 23.03.2022 and enlarge the petitioner on bail pending appeal.

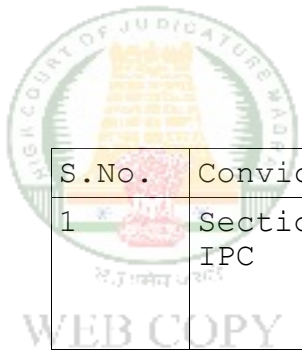
For Petitioner : Mr.K.Subburam

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

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Villupuram, in S.C.No.218 of 2016 dated 23.03.2022, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the third accused in S.C.No.218 of 2016 on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Villupuram. He was found guilty of the offence under Section 498 (A) of IPC and he has been convicted and sentenced as under:



S.No.	Conviction	Sentence
1	Section 498 (A) of IPC	to undergo rigorous imprisonment for a period of three (3) years and to pay fine of Rs.20,000/-, in default to undergo simple imprisonment for one month.

Aggrieved against the same, the petitioner has filed this appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Appeal and the petitioner/accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioner/accused may be suspended. Further it is his specific submission that while at the time of pronouncing judgment, the trial Court has suspended the sentence till 23.04.2022. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. 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.

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 coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police, further this criminal appeal 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 Appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) The petitioner/accused 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.II, Tindivanam.

(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.



(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, this Criminal Miscellaneous Petition is ordered.

-sd/-
21/04/2022

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.

TO

1 THE SESSIONS JUDGE,
MAGALIR NEETHIMANDRAM (FAST TRACK MAHILA COURT),
VILLUPURAM.

2 THE JUDICIAL MAGISTRATE,
NO.II, TINDIVANAM.

3 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM DISTRICT [FOR INFORMATION]

4 THE DEPUTY SUPERINTENDENT OF POLICE,
MAILAM POLICE STATION,
VILLUPURAM DISTRICT.

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



6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S. K.SUBBURAM Advocate on payment of necessary charges

Order
in
CRL MP.5246/2022
in
CRL A.427/2022
Date :21/04/2022

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CSK 22/04/2022