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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.No.5204 of 2022

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

Shantha,
W/o.Selvaraj

...Petitioner /
A-2

versus

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

...Respondent /
Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 397 (1) and 439 of Cr.P.C., praying to suspend the sentence of imprisonment imposed on the petitioner by the learned Assistant Sessions Judge, Chidambaram, in S.C.No.145 of 2013 dated 05.11.2020, confirming the judgment of the learned II Additional Sessions Judge, Chidambaram, in C.A.No.14 of 2020 dated 31.01.2022 and to enlarge the petitioner on bail pending disposal of the above Criminal Revision Petition.

For Petitioner : Mr.K.V.Sridharan

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

O R D E R

This Criminal Miscellaneous Petition has been preferred by the petitioner/A-2, seeking to suspend the sentence imposed upon her, by judgment and order dated 31.01.2022 passed in C.A.No.14 of 2020 by the learned II Additional Sessions Judge, Chidambaram, confirming the order of the learned Assistant Sessions Judge, Chidambaram, in S.C.No.145 of 2013 dated 05.11.2020 and to enlarge the petitioner on bail.



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2. The petitioner, who is arrayed as A-2 in S.C.No.145 of 2013 on the file of the learned Assistant Sessions Judge, Chidambaram. She was found guilty for an offence punishable under Section 324 of IPC and has been convicted and sentenced as under:

Offence	Sentence
Section 324 of IPC	Rigorous Imprisonment for 1 year along with fine of Rs.1,000/-, in default, to undergo Simple Imprisonment for 3 months

3. Aggrieved against the same, the petitioner had filed appeal in C.A.No.14 of 2020 and the learned II Additional Sessions Judge, Chidambaram, by judgment dated 31.01.2022 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 due to property dispute, the petitioner along with other accused attacked the de facto complainant with knife and wooden log. Hence, a case has been registered against the petitioner under Section 324 of IPC.

5. According to the learned counsel for the petitioner, there are arguable points available in this Criminal Revision Petition and the petitioner has got a fair chance of succeeding in the Criminal Revision Petition. It is his specific submission that the petitioner is in judicial custody from 11.04.2022 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 police raised serious objection for allowing this petition. He would further 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.K.V.Sridharan, learned counsel appearing for the petitioner/accused and Mr.Leonard Arul Joseph Selvam, learned Government Advocate (Crl. Side), appearing for the respondent police 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. Further, the petitioner is in judicial custody from 11.04.2022. Here, it is a case, the revision petition is not likely to be taken up in the near



future. In such a view of the matter, this Court is of the view that the petitioner 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 No.I, Chidambaram;

(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 appeal 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.

-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 II ADDITIONAL SESSIONS
JUDGE, CHIDAMBARAM.

2 THE ASSISTANT SESSIONS JUDGE,
CHIDAMBARAM.

3 THE JUDICIAL MAGISTRATE,
NO.I, CHIDAMBARAM.



4 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE DISTRICT. [FOR INFORMATION]

5 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
VELLORE.

6 THE INSPECTOR OF POLICE
ANNAMALAI NAGAR POLICE STATION,
CHIDAMBARAM.

7 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.K.V.SRIDHARAN Advocate on payment of necessary
charges SR.NO. 5976

Order

in
CRL MP.5204/2022

in
CRL RC.402/2022

Date :21/04/2022

From 7.2.2001 the Registry is issuing certified
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RW 22/04/2022