



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2022

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.M.P.No.6538 of 2021

in

Crl.R.C.No.407 of 2021

R.Velayutham

... Petitioner

..Vs..

State Represented by
The Inspector of Police,
Thiruppapuliyur Police Station,
(Crime No.691 of 2012)

... Respondent

PRAYER: Criminal Miscellaneous petition filed under Section 397(1) of Cr.P.C, to suspend the sentence of order dated 29.03.2019 passed in C.A.No.63 of 2016 by the First Additional District and Sessions Court, Cuddalore, modifying the order dated 04.07.2016 passed in C.C.No.30 of 2014 by the Chief Judicial Magistrate, Cuddalore.

For Petitioners : Mr.L.Gavaskar

For Respondent : Mr.S.Sugendran,
Government Advocate (crl.side)

ORDER

(This Cas has been heard through video conferencing)

This Criminal Miscellaneous Petition has been filed to suspend the sentence order dated 29.03.2019 passed in C.A.No.63 of 2016 by the First Additional District and Sessions Court, Cuddalore, modifying the order dated 04.07.2016 passed in C.C.No.30 of 2014 by the Chief Judicial Magistrate, Cuddalore.



2. In and by the judgment of the trial court, the petitioner/accused was convicted and sentenced for the offence under section 337 IPC, to pay fine of Rs.500/- and in default to pay fine to undergo one month simple imprisonment and for the offence under section 304(A) I.P.C, to undergo one year simple imprisonment and to pay a fine of Rs.3000/- in default to pay fine, to undergo further one month and the accused is acquitted for the offence under section 279 I.P.C. and the Appellate Court confirmed the conviction under 337 and 304(A) IPC however, modified the sentence for the offence under section 337 IPC, to pay fine of Rs.500/- and in default to pay fine to undergo one week S.I. and modified the sentence for the offence under section 304(A) I.P.C. to undergo six months S.I. and pay fine of Rs.3000 in default to undergo one month S.I. and against which the present revision has been filed.

3. Learned counsel appearing for the petitioner would submit that the witnesses have not identified the petitioner and he has been falsely implicated in this case. He would further submit that there are arguable points available in the Criminal Revision Case, which is not likely to be taken for final hearing in the near future and the Petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case.

4. Heard the learned counsels and perused the materials on record.

5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner/accused, this Court is of the view that the sentence of imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the Criminal revision, the reliefs of suspension of sentence and bail are granted, on the following conditions :-

- i. The petitioner/accused shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the Chief Judicial Magistrate, Cuddalore, within 15 days from the date of commencement of the court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically and on further condition that:
- ii. The petitioner/accused shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.



6. The Criminal Miscellaneous Petition is ordered accordingly.

WEB COPY

-sd/-
28/01/2022

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 FIRST ADDITIONAL DISTRICT
AND SESSIONS COURT, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE.

3 THE INSPECTOR OF POLICE,
THIRUPPAPULIYUR POLICE STATION,

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.L.GAVASKAR Advocate on payment of necessary
charges SR.NO.1349

Order
in
CRL MP.6538/2021
in
CRL RC.407/2021

Date :28/01/2022

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

JPA 31/01/2022