



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.Nos.5939 & 5940 of 2022

in Crl.A.No.467 of 2022

1.Praveenkumar
2.Balakrishnan
3.Nirmala
4.Prasannakumar

...Petitioners/A1 to 4 in Crl.MP.No.5939 of 2022

1.Balakrishnan
2.Nirmala
3.Prasannakumar

...Petitioners/A2 to 4 in Crl.MP.No.5940 of 2022

Vs.

State represented by
Inspector of Police,
All Women Police Station,
Cuddalore
Crime No.6 of 2018

... Respondent

PRAYER:

Criminal Miscellaneous Petitions filed under Sections 389(1) & 482 of Cr.P.C to suspend the sentence of imprisonment imposed by the learned Sessions Judge, Mahila Court, Cuddalore in SC.No.270 of 2019 dated 21.04.2022 and enlarge the petitioners on bail and to exempt the petitioners from surrendering before the trial court pending disposal of Crl.A.No.467 of 2022.

For Petitioners : Mr.P.Kannan Kumar

For Respondent : Mr.Leonard Arul Joseph Selvam,
Government Advocate(crl.side)

C O M M O N O R D E R

These Criminal Miscellaneous Petitions have been filed by the petitioners/A1 to 4, seeking to suspend the sentence of imprisonment imposed by the learned Sessions Judge, Mahila Court, Cuddalore in SC.No.270 of 2019 dated 21.04.2022 and enlarge the petitioners on bail and seeking to exempt the petitioners from surrendering before the trial court pending disposal of the above criminal appeal.



2. The petitioners herein are the accused 1 to 4 in SC.No.270 of 2019 on the file of the learned Sessions Judge, Mahila Court, Cuddalore. A1 was found guilty under Section 376(1), 417, 506(i) and 352 of IPC and A2 to 4 were found guilty of the offence under Section 352 of IPC and they have been convicted and sentenced as under:

Accused No.	Conviction	Sentence
A1	Section 376(1) of IPC	to undergo ten years rigorous imprisonment and to pay a fine of Rs.25,000/-, in default to undergo two years simple imprisonment
A1	Section 417 of IPC	to undergo one year rigorous imprisonment and to pay a fine of Rs.10,000/-, in default to undergo three months simple imprisonment
A1	Section 506(i) of IPC	to undergo one year rigorous imprisonment and to pay a fine of Rs.10,000/-, in default to undergo three months simple imprisonment
A1	352 of IPC	to undergo three months rigorous imprisonment
A2	352 of IPC	to undergo three months simple imprisonment
A3	352 of IPC	to undergo three months simple imprisonment
A4	352 of IPC	to undergo three months simple imprisonment

Aggrieved over the same, the present appeal has been filed along with the instant miscellaneous petitions seeking suspension of sentence and bail and also to exempt the petitioners from surrendering before the trial court.

3. Today when the petitions are taken up for hearing, the learned counsel appearing for the petitioners submitted that he is not pressing this petition as regards to first petitioner. His submission is recorded.

4. In respect of the petitioners 2 to 4, the learned counsel for the petitioners submitted that there are arguable points available in the Criminal Appeal and the petitioners 2 to 4 /accused 2 to 4 have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the Petitioners 2 to 4/accused 2 to 4 may be suspended and the petitioners 2 to 4/A2 to 4 may be exempted from surrendering before the Trial Court.



5. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing the petitions. 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.

6. Heard the learned counsel appearing on either side and also perused the materials placed on record.

7. Considering the facts and circumstances of the case, also considering the submissions of the learned counsel for the petitioners and the learned Government Advocate (crl.side) appearing for the respondent police, further this 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 in respect of petitioners 2 to 4 / A2 to 4 can be suspended on certain conditions.

8. Accordingly, these criminal miscellaneous petitions in respect to the first petitioner in CrI.MP.No.5939 of 2022 is dismissed as not pressed. As far as the petitioners 2 to 4 / A2 to 4 are concerned, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence, exemption from surrendering and bail are granted on the following conditions:

(a) The petitioners 2 to 4/A2 to 4 are ordered to be released on bail, on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Cuddalore.

(b) The petitioners 2 to 4/A2 to 4 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 petitioners 2 to 4/A2 to 4 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 appeal and if they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court.



9. With the above directions, these Criminal Miscellaneous Petitions are ordered in respect to petitioners 2 to 4 alone.

-sd/-

28/04/2022

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,
MAHILA COURT, CUDDALORE

2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
CUDDALORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

C.C. to Mr.P.Kannan Kumar Advocate on payment of necessary charges Sr.6583

Order

in

CRL P.Nos.5939 & 5940 of 2022

in

CRL A.467/2022

Date :28/04/2022

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RVR 29/04/2022