



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Fourth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.5858 of 2021

IN CRL.R.C.No.312 of 2021

SRIDHAR

[PETITIONER]

Vs

THE INSPECTOR OF POLICE,
DENKANIKOTTAI POLICE STATION,
KRISHNAGIRI DISTRICT.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentence passed in Crl.A.No.54 of 2019 dated 24.02.2021 on the file of the Additional District Judge, Hosur in confirming the order of conviction passed by the Assistant Sessions Judge, Hosur in S.C.No.124 of 2018 dated 30.10.2019 from 7 years rigorous imprisonment for the alleged offences under section 489(A), 489(C), 489(D) of IPC each and fine of Rs.1500/- each for the alleged offence Section 489(A) and 489(D) of IPC each in default to undergo one year rigorous imprisonment each and all the sentences of imprisonment to run concurrently and to enlarge the petitioner on bail pending disposal of the above CRL.R.C.No.312 of 2021

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.C.TURIBIUS BESKI, Advocate for the Petitioner and of MR.S.SUGENDRAN, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This Criminal Miscellaneous petition has been filed seeking to suspend the sentence passed in judgment dated 24.02.2021 in Crl.A.No.54 of 2020 passed the Additional District Judge, Hosur, confirming the order of conviction and sentence passed by the learned Assistant Sessions Judge, Hosur in S.C.No.124 of 2018 dated 30.10.2019.

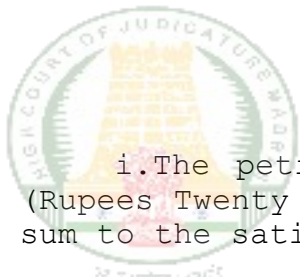


2 Learned counsel for the petitioner would submit that the petitioner along with another accused was tried and found guilty and convicted by the Assistant Sessions Judge, Hosur in S.C.No.124 of 2018 dated 30.10.2019 for the offence under sections 489(A), 489(C) and 489(D) I.P.C., and sentenced to undergo seven years rigorous imprisonment and to pay a fine of Rs.1,500/- each, in default to undergo one year rigorous imprisonment for each of the offence under Sections 489(A) and 489(D) and sentenced to undergo seven years rigorous impression for the offence under Section 489(C) IPC and ordered the sentence to run concurrently. Against the order of conviction and sentence passed by the trial court, the petitioner had preferred a Criminal Appeal No.54 of 2019 before the Additional District Judge, Hosur and the Appellate Court confirmed the conviction and sentence passed by the trial Court.

3 He would further submit that the petitioner was on bail during trial and also during appeal. Further, in due compliance of the direction of this Court, the petitioner had surrendered before the respondent police on 28.01.2022 and he is in now custody. He would further submit that out of nine witnesses, P.Ws.1,2 and 3 have not supported the case of the prosecution and P.Ws.5 to 9, who are the official witnesses alone have supported the case of the prosecution. The petitioner has got good case on the revision and would pray that the substantive sentence of imprisonment may be ordered. Further, he would submit that the co-accused had granted the relief of suspension of sentence by this Court vide order dated 12.11.2021 in CrI.M.P.No.5781 of 2021 in CrI.R.C.No.302 of 2021.

4 Learned Additional Public Prosecutor would submit that the petitioner/A1 along with other accused was found in possession of counterfeit currency notes worth about Rs.5,500/- on various denominations. The trial court convicted the accused for the offence under sections 489(A), 489(C) and 489(D) I.P.C., and sentenced him to undergo seven years rigorous imprisonment and to pay a fine of Rs.1,500/-, for each of the offence under Sections 489(A) & 489(D) IPC, in default to undergo one year rigorous imprisonment for each of the offences. On appeal, the Appellate Court had confirmed the conviction and sentence passed by the trial Court.

5 Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, 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 Revision, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be enlarged on bail, on the following conditions:-



i. The petitioner shall execute 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 Assistant Sessions Judge, Hosur

ii. The petitioner 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 This Criminal Miscellaneous Petition stands ordered accordingly.

-sd/-

04/02/2022

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 ADDITIONAL DISTRICT JUDGE,
HOSUR.

2 THE ASSISTANT SESSIONS JUDGE,
HOSUR.

3 THE INSPECTOR OF POLICE,
DENKANIKOTTAI POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S K.GANGADARAN Advocate on payment of necessary charges SR.NO.2087

Order
in
CRL MP.5858/2021
in
CRL RC.312/2021

Date :04/02/2022

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

JPA 09/02/2022