



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.05.2022

CORAM:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.6967 of 2022

in

Crl.A.No.527 of 2022

1. Madankumar
2. Sadagopan
3. Senthamarai

...Petitioners

Vs.

The State Rep. By
The Assistant Commissioner of Police,
Guindy Range,
J-3, Guindy Police Station,
Chennai - 600 032.
Crime No.1459 of 2015

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed on the petitioner in judgment dated 16.03.2022 against the petitioners/appellants herein in S.C.No.340 of 2016 on the file of the learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai, and release the petitioners/appellants on bail.

For Petitioner : Mr.K.M.Ramesh

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)
Assisted by Ms.J.R.Archana

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners/accuseds, seeking suspension of sentence imposed by the learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai, in S.C.No.340 of 2016 dated 16.03.2022 and enlarge the petitioners on bail pending disposal of the above appeal.



2. The petitioners herein are the accused in S.C.No.340 of 2016 on the file of the learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai. They were found guilty of the offence under Sections 498A and 306 of IPC and they have been convicted and sentenced as under:

First petitioner :-

No.	Conviction	Sentence
1.	Section 498A of IPC	to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.5,000/- in default to under go simple imprisonment for three months.
	Section 306 of IPC	to undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs.10,000/- in default to under go simple imprisonment for three months.

Petitioners 2 & 3 :-

No.	Conviction	Sentence
1.	Section 498A of IPC	to undergo rigorous imprisonment for a period of three years each and to pay a fine of Rs.5,000/- each, in default to under go simple imprisonment for three months each.

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

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

4. Since the first petitioner is sentenced to undergo 10 years of rigorous imprisonment and the second and third petitioners are sentenced to undergo only three years of imprisonment, the learned counsel appearing for the petitioners made submission that he is not pressing this petition, as far as the first petitioner is concerned, with liberty to file fresh petition for the first petitioner.

5. Considering the said submission, as far as the first petitioner is concerned the present petition is dismissed as not pressed. As far as the petitioners 2 & 3 are concerned, on perusal of the judgment impugned in this appeal and the ground raised in the appeal, I am satisfied that prima facie case is made out and the sentence insofar as the petitioners 2 & 3 alone is suspended, pending disposal of this appeal.



6. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail are granted insofar as the petitioners 2 & 3 alone, on the following conditions:

WEB COPY (a) The petitioner 2&3/accused 2&3 are ordered to be released on bail, on their executing a separate 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 learned IX Metropolitan Magistrate, Saidapet, Chennai.

(b) The petitioners 2&3/accused 2&3 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&3 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 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.

7. With the above directions, this Criminal Miscellaneous Petition is ordered insofar as the petitioners 2 & 3 alone.

-sd/-

26/05/2022

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,
MAHALIR NEETHIMANDRAM, ALLIKULAM,
CHENNAI.

2 THE METROPOLITAN MAGISTRATE,
NO.IX, SAIDAPET, CHENNAI-600 015.

3 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE,
CHENNAI. [FOR INFORMATION]



4 THE ASSISTANT COMMISSIONER OF POLICE,
GUINDY RANGE, J-3, GUINDY POLICE STATION,
CHENNAI-600 032.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL JAIL, PUZHAL,
CHENNAI.

+1 C.C. to M/S.K.M.RAMESH Advocate on payment of necessary charges
SR.NO. 7925

Order

in
CRL MP.6967/2022

in

Crl.A.No.527 of 2022

Date :26/05/2022

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RW-27/05/2022