



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. SESHASAYEE

CRIMINAL MISCELLANEOUS PETITION No.12601 of 2021

IN CRL RC.904/2021

S.VITTAL

[PETITIONER]

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
CCIWCID,
OOTY
IN CRIME NO.12/97.

[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 of 2 years rigorous imprisonment to the petitioner (A1) (fine already paid) imposed in C.C.No.1 of 2015 on 13.07.2018 by the Learned Fast Track Judicial Magistrate, Coonoor as confirmed on 07.03.2021 in Crl.A.47 of 2018 by the Learned Sessions Judge Magalir Neethimandram at Nilgiris (Fast Track Mahila Court), Udhamandalam at Nilgiris pending disposal of the above CRL RC.904/2021.

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. V.RAGUPATHY, Advocate for the petitioner and of M/S.LEONARD ARUL JOSEPH SELVAM, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This Criminal Miscellaneous Petition is filed by the petitioner/accused, seeking suspension of sentence of imprisonment imposed on him by the learned Judicial Magistrate, Fast Track Court, Coonoor, vide order dated 13.7.2018 in C.C.No.1 of 2015 and confirmed by the judgment dated 07.3.2021 in Crl.A.No.47 of 2018 by the learned Sessions Judge, Magalir Neethimandram (Fast Tract Mahila Court), Udhamandalam at Nilgiris.



2. The revision petitioner herein is the sole accused in Crime No.12/1997 on the file of the respondent police. Post investigation, the trial Court took cognizance of the matter in C.C.No.1 of 2015 on the file of the Judicial Magistrate, Fast Track Court, Coonoor, and convicted the revision petitioner for offence under Section 408 IPC., and sentenced him to undergo two years simple imprisonment and to pay a fine of Rs.2,500/-, and in default to undergo simple imprisonment for four months. He is also found guilty of offence under Section 120(B) IPC., Both the sentences were also directed to run concurrently. Challenging the same, the revision petitioner preferred Crl.A.No.47/2018 before the learned Sessions Judge, Magalir Neethimandram (Fast Tract Mahila Court), Udthagamandalam at Nilgiris, and this came to be dismissed vide judgment dated 07.3.2021.

3. The learned counsel for the revision petitioner submitted that the accused could not surrender before the police essentially because he was suffering from heart ailments and was under treatment, and that he had surrendered before the police on 09.02.2022, and now he is in the Central Prison, Coimbatore.

4. This Court heard the learned counsel for the petitioner and also perused the materials placed on record.

5. According to the learned counsel for the petitioner/accused, there are arguable points available in the Criminal Revision Case, and the petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the petitioner/accused may be suspended and the petitioner may be exempted from surrendering before the Trial Court.

6. Given the nature of the offence and the age of the accused and his ailments, and the sentence imposed on him, this Court deems it appropriate to grant the relief of suspension of sentence and bail to the petitioner, till the disposal of the revision petition on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on he executing 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 Fast Track Judicial Magistrate, Coonoor.

(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.



(c) The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., and if he is not able to appear before the Trial Court on any day, he 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 his absence, as directed by the Trial Court.

7. This Criminal Miscellaneous Petition stands ordered accordingly.

-sd/-
16/02/2022

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 SESSION JUDGE,
MAGALIR NEETHIMANDRAM AT NILGIRIS (FAST
TRACK MAHILA COURT), UDHAGAMANDALAM
AT NILGIRIS.

2 THE FAST TRACK
JUDICIAL MAGISTRATE, COONOOR.

3 THE CHIEF JUDICIAL MAGISTRATE
THE NILGIRIS. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE
CCIWCID, OOTY.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



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

WEB COPY

+1 C.C. to M/S. V.RAGUPATHY Advocate on payment of necessary
charges SR.NO.2433

Order

in
CRL MP.12601/2021

in
CRL RC.904/2021

Date :16/02/2022

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RW 17/02/2022