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Crl.M.P.No. 13857 of 2022 in Crl.R.C.No.1300 of 20

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2022

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.13857 of 2022

in

Crl.R.C.No.1300 of 2022

Srinadh Namburi

.. Petitioner

/versus/

The Deputy Superintendent of Police,
Crime Branch CID,
Cyber Crime Cell,
Chennai 600 032.

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under Sections 397(1) and 401 of Cr.P.C., praying to suspend the sentence imposed on the petitioner by judgment in C.A.No.70 of 2015 on the file of VII Additional Sessions Court, City Civil Court, Chennai which confirms the judgment dated 24.03.2015 passed by the learned XI Metropolitan Magistrate, Saidapet, Chennai in C.C.No.9218 of 2010 and enlarge the petitioner on bail pending disposal of the above Crl.R.C.No.1300 of 2019 on the file of this Court.

For Petitioner

... Mr.R.Thamaraiselvan for
Mr.V.Sundarraman

For Respondent

... Mr.C.E. Pratap, GA (crl.side)



ORDER

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This Criminal Miscellaneous Petition has been preferred seeking to suspend the judgment of conviction and sentence passed by the VII Additional Sessions Court, City Civil Court, Chennai in C.A.No.70 of 2015, dated 06.07.2018, by confirming the judgment of conviction and sentence passed by XI Metropolitan Magistrate, Saidapet, Chennai in C.C.No.9218 of 2010, dated 24.03.2015 and enlarge the petitioner on bail, pending criminal revision case.

2. The petitioner, who was the sole accused in C.C.No.9218 of 2010, was convicted and sentenced by the XI Metropolitan Magistrate, Saidapet, Chennai, which reads as follows:

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	Section 67 of the I.T. Act	To undergo Simple Imprisonment for one year and to pay a fine of Rs.10,000/-, in default, to undergo Simple Imprisonment for three months.
	Section 4 of TNWHP Act	To undergo Simple Imprisonment for one year and to pay a fine of Rs.10,000/-, in default, to undergo Simple Imprisonment for three months.
	Section 506(1) of IPC	To undergo Simple Imprisonment for six months.



<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
	Section 509 of IPC	To undergo Simple Imprisonment for six months.

The sentence imposed for all the offences were ordered to run concurrently.

3. Aggrieved against the judgment of conviction and sentence imposed on the petitioner, he preferred an appeal in C.A.No.70 of 2015 on the file of the VII Additional Sessions Judge, City Civil Court, Chennai and the same was dismissed by confirming the judgment of the trial Court. Against which he preferred the present criminal revision case along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. Heard the learned counsel appearing for the petitioner and the learned Govt. Advocate (crl.side) appearing for the State.

5. The learned counsel for the petitioner submitted that the judgment of the trial Court is contrary to law, weight of evidence and probabilities of the case; there are arguable points in this revision and the petitioner has every chance of succeeding the revision. He further submitted that the petitioner has been in the judicial custody from 20.10.2022. Thus, he prayed for suspension of sentence till the disposal of this Criminal Revision Petition.



6. The petitioner has raised substantial grounds in the revision which requires detailed appraisal. Moreover, the petitioner has been confined in judicial custody for the past 60 days. Further, the revision petition is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

7. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each for a likesum to the satisfaction of the XI Metropolitan Magistrate, Saidapet, Chennai-15;
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court as and when required.

21.12.2022

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Note : Issue Today



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1.The VII Additional Sessions Court, City Civil Court, Chennai.

2.XI Metropolitan Magistrate, Saidapet, Chennai.

3.The Superintendent of Prison, Central Prison, Puzhal, Chennai.

4.The Deputy Superintendent of Police, Crime Branch CID,
Cyber Crime Cell, Chennai 600 032.

5.The Public Prosecutor, High Court, Madras



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V.SIVAGNANAM, J.

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