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Crl.MP.No.12455 of 2022 in Crl.RC.No.1112 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2022

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.12455 of 2022

in

Crl.RC.No.1112 of 2022

Madhukar Duggirala

... Petitioner

Vs.

State Rep. by its
Inspector of Police,
Central Crime Branch, Team - IX,
Egmore, Chennai.
(Crime No.721 of 2005)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397 (1) r/w 389(1) Cr.P.C. to suspend the sentence pursuant to the Judgment dated 26.07.2022 in C.A.No.151 of 2017 on the file of the II Additional District Judge, City Civil and Sessions Court, Chennai confirming the order of conviction and sentence dated 23.05.2017 in C.C.No.3120 of 2006 on the file of the learned Chief Metropolitan Magistrate, Egmore, Allikulam, Chennai and enlarge petitioner on bail.



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For Petitioner : Mr.W.Camyles Gandhi
For Respondent : Mr.V.Meganathan
Government Advocate (Crl. Side)

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ORDER

This Criminal Miscellaneous Petition has been filed to enlarge the petitioner on bail by suspending the sentence imposed vide Judgment dated 26.07.2022 passed in C.A.No.151 of 2017 by the II Additional District Judge, City Civil and Sessions Court, Chennai, confirming the order of conviction and sentence dated 23.05.2017 passed in C.C.No.3120 of 2006 by the learned Chief Metropolitan Magistrate, Egmore, Allikulam, Chennai.

2.The Trial Court convicted the petitioner under Section 498-A of IPC and sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.1,000/- (Rupees One Thousand only) and in default of payment of fine, one month of simple imprisonment is imposed on the accused under Section 248(2) Cr.P.C. Aggrieved over the above conviction and sentence, the petitioner filed an appeal in C.A.No.151 of 2017 before the II Additional Sessions Judge, City Civil and Sessions



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Court, Chennai, however, the Appeal was ended against the petitioner.

3.Challenging the conviction and sentence slapped by the Trial Court, and the first appellate Court, the petitioner is before this Court.

4.The learned counsel for the petitioner submitted that there are arguable points in this Revision and hence, prayed for suspension of sentence.

5.I have perused the impugned judgments and the materials on record.

6.Taking into consideration of the above submission of the learned counsel appearing on both sides, this Court finds that the petitioner has substantial grounds in this Criminal Revision, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.



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(i)The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the Trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner is ordered to be released on bail on his ***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 learned Chief Metropolitan Magistrate, Egmore, Allikulam, Chennai.***

(ii)The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii)The petitioner shall appear before the Trial Court, as and when required.

16.12.2022

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To
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- 1.The II Additional District Judge,
City Civil and Sessions Court,
Chennai.
- 2.The Chief Metropolitan Magistrate,
Egmore, Allikulam,
Chennai.
- 3.The Inspector of Police,
Central Crime Branch, Team - IX,
Egmore, Chennai.
- 4.The Public Prosecutor,
Madras High Court.



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V.SIVAGNANAM, J.,

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