



Crl.M.P.No.12705 of 2022 in Crl.R.C.No.778 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.12705 of 2022
in Crl.R.C.No.778 of 2022

J.Samuel Diwakar

... Petitioner

Versus

The Deputy Superintendent of Police,
Crime Branch Cyber Crime Cell,
Chennai.
Crime No.10 of 2007

... Respondent

Prayer: Criminal Miscellaneous Petition is filed under Section 389(i) of the Code of Criminal Procedure, pleaded to suspend the sentence imposed on the petitioner in order dated 30.11.2021 in C.A.No.112 of 2020 passed by the learned XX Additional District Judge, Chennai confirming the order dated 01.10.2020 in C.C.No.9224 of 2010 passed by the learned XI Metropolitan Magistrate, Saidapet pending disposal of the above criminal revision petition.

For Petitioner : Mr.S.Kingston Jerold

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)



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ORDER

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This Criminal Miscellaneous Petition is filed to suspend the sentence imposed on the petitioner in order dated 30.11.2021 in C.A.No.112 of 2020 passed by the learned XX Additional District Judge, Chennai confirming the order dated 01.10.2020 in C.C.No.9224 of 2010 passed by the learned XI Metropolitan Magistrate, Saidapet pending disposal of the above criminal revision petition.

2. Learned Counsel for the petitioner would submit that pending the revision, in execution of the warrant, the petitioner was arrested and he is now undergoing the sentence from 29.07.2022.

3. Eventhough, otherwise the offence is seious in nature, considering the fact that the trial Court has imposed the sentence of one years Rigorous Imprisonment and the petitioner is in prison from 29.07.2022 and the petitioner was also under incarceration for about 45 days earlier and considering the fact that it may take a while for this Court for taking the Revision for final hearing on merits, this Court considers that this is a fit



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case for grant of suspension of sentence for the petitioner and enlarge the petitioner on bail, pending disposal of the Revision. Therefore, I am inclined to suspend the sentence and grant bail to the petitioner on the following conditions:-

(a) the petitioner is ordered to be released on bail, on his executing 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 Trial Court;

(b) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhar 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 until the disposal of the Criminal Revision and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application



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under Section 317 of 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.

4. This Criminal Miscellaneous Petition is ordered accordingly.

22.08.2022

Index : yes/no

Speaking order/Non-speaking order

rgi

To

1. The Metropolitan Magistrate XI, Saidapet.
2. The Superintendent,
Central Prison,
Puzhal.
3. The Deputy Superintendent of Police,
Crime Branch Cyber Crime Cell,
Chennai.
4. The Public Prosecutor,
High Court of Madras.

D.BHARATHA CHAKRAVARTHY. J.,

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