



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.M.P.Nos.11955 and 11957 of 2021

in

Crl.R.C.No.818 of 2021

B.Suresh

... Petitioner
in both petitions

..Vs..

State By:

The Inspector of Police,
Ketti Police Station,
Crime No.62 of 2014

.... Respondent
in both petitions

PRAYER: Criminal Miscellaneous petitions filed under Section 389(1) and 482 of Cr.P.C, to suspend the sentence on the petitioner made in the judgment passed by the learned Special Judge, Mahila Court, Udagamandalam in Crl.A.No.11 of 2018 dated 22.04.2021 confirming the judgment made in C.C.No.82 of 2014 dated 29.01.2018 on the file of the Judicial Magistrate Court, Coonoor and enlarge the petitioner on Bail and to exempt the petitioner from surrendering before the trial court, pending disposal of the Criminal Revision.

For Petitioner : Mr.C.Prabakaran
in both petitions

For Respondent : Mr.S.Sugendran
in both petitions Government Advocate (crl.side)

ORDER

(These Cases has been heard through video conferencing)

These Criminal Miscellaneous Petitions have been filed to to suspend the sentence on the petitioner made in the judgment passed by the learned Special Judge, Mahila Court, Udagamandalam in Crl.A.No.11 of 2018 dated 22.04.2021 confirming the judgment made in C.C.No.82 of 2014 dated 29.01.2018 on the file of the Judicial Magistrate Court, Coonoor and enlarge the petitioner on Bail and to exempt the



petitioner from surrendering before the trial court, pending disposal of the Criminal Revision.

2. In and by the judgment of the trial court, petitioner/accused convicted for the offence under Section 392 IPC and sentenced to undergo 2 years R.I. with fine of Rs.100/- and in default to pay, sentenced to undergo three months S.I. and in appeal, the Appellate Court has confirmed the conviction and sentence passed by the trial court and against which the present revision has been filed.

3. Learned counsel appearing for the petitioner would submit that the courts below failed to take into consideration the contradictions in the evidence of P.W.1, P.W.2, P.W.3 and P.W.7. Even as per the prosecution, the petitioner was riding the bike and the juvenile accused who was sitting as a pillion rider is stated to have snatched the chain. Further, the courts below failed to take into consideration the discrepancies in the registration number of the vehicle. The petitioner was arrested on the basis of mistaken identity. He would submit that the petitioner has surrendered before the trial court on 22.12.2021 and he is in judicial custody. He would further submit that the petitioner has no other cases against him. He would further submit that there are arguable points available in the Criminal Revision Case, which is not likely to be taken for final hearing in the near future and the Petitioner/accused has got a fair chance of succeeding in the Criminal Revision Case.

4. Mr.S.Sugendran, learned Government Advocate (crl.side) appearing for the respondent would submit that it is a case where the petitioner was apprehended at the scene of occurrence. He along with a juvenile accused had travelled in a motor cycle and that they have snatched the chain belonging to P.W.1. On the side of the prosecution, P.W.1 to P.W.10 were examined and Exs.P1 to Ex.P9 were marked and M.O.Nos.1 and 2 were marked. However, no evidence was let in on the side of the defence. The trial court finding that the prosecution has proved the case beyond reasonable doubt had found the petitioner guilty and convicted him as stated above. The Appellate Court also confirmed the conviction and sentence passed by the trial court. He would oppose for grant of suspension of sentence to the petitioner.

5. Heard the learned counsels and perused the materials on record.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner/accused, this Court is of the view that the petitioner has made out case for grant of suspension of sentence. Accordingly, till the disposal of the Criminal appeal, the reliefs of suspension of sentence and bail are granted, on the following conditions :-



i. The petitioner/accused shall execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the Superintendent of the concerned prison/Jailor concerned, in which the petitioner has been confined and thereafter, on his release, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), each for a like sum to the satisfaction of the learned Judicial Magistrate, Coonoor, Nilgris within 15 days from the date of commencement of the court's normal functioning, failing which the bail granted by this court shall stand dismissed automatically and on further conditions that:

ii. The petitioner/accused shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

8. The Criminal Miscellaneous Petition for suspension is ordered accordingly. Since the petitioner has surrendered before the trial court on 22.12.2021, the petition for exemption is dismissed.

-sd/-
01/02/2022

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 SPECIAL JUDGE,
MAHILA COURT, COONOR.

2 THE JUDICIAL MAGISTRATE,
COONOR, NILGRIS.

2 THE CHIEF JUDICIAL MAGISTRATE
NILGRIS [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
KETTI POLICE STATION,
THE NILIGIRIS DISTRICT.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE,
SUB JAIL, GUDALUR, NILGRIS DISTRICT.

+1C.C. to M/S C.PRABAKARAN Advocate on payment of necessary
charges SR.No.1611

Order
in
CRL MP.NOs.11955&11957/2021
in
CRL RC.818/2021
Date :01/02/2022

From 7.2.2001 the Registry is issuing certified
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CSK 01/02/2022