



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2022

CORAM:

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

CrI.M.P.Nos.13851 & 13854 of 2021

in

Criminal Revision Case No.1071 of 2021

N. Chandran

... Petitioner in both M.Ps

..Vs..

Maragatham

... Respondent in both M.Ps

PRAYER: Criminal Miscellaneous petitions filed under Section 397(1) & 482 of Cr.P.C to suspend the sentence imposed by the Learned Judicial Magistrate No.1, Sankari in C.C.No. 112/2014 dated 06.02.2020 and confirming the judgment and sentence by the Principal District and Sessions Judge, Salem in CrI.A. No. 30/2020 dated 04.10.2021 pending disposal of the above revision and to exempt the petitioner from surrendering.

For Petitioner

:

Mr.G.Arul Murugan in both M.Ps

O R D E R

These Criminal Miscellaneous Petitions have been filed by the petitioner/accused, seeking suspension of sentence of imprisonment imposed by the order dated 06.02.2020 in C.C.No. 112/2014 passed by the Learned Judicial Magistrate No.1, Sankari and confirmed by the judgment dated 04.10.2021 in C.A.No.30/2020 on the file of the Learned Principal District and Sessions Judge, Salem and seeking to exempt the petitioner from surrendering before the trial court.

2. In and by the judgment of the trial court, the Petitioner/A1 was convicted for the offence under Section 494 of I.P.C and sentenced him to undergo Simple Imprisonment for One year and to pay a fine of Rs.2,000/- in default to undergo Simple Imprisonment for Two month and against which, the appeal has been filed and the Appellate Court has confirmed the same against which the present revision has been filed.



3. Learned counsel for the petitioner would submit that the respondent/complainant after 30 years of marriage had filed a private complaint against the revision petitioner and 14 others. During the trial, the accused No. 7, 8 and 9 passed away and the charges against them got abated. The Trial Court had acquitted the remaining accused and convicted the petitioner/A1. According to the learned counsel for the Petitioner/accused, 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 has got a fair chance of succeeding in the Criminal revision Case and hence, the sentence imposed against the Petitioner may be suspended and the Petitioner may be exempted from surrendering before the Trial Court.

4. Heard the learned counsel for the petitioner and perused the materials on record.

5. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner, this Court is of the view that the sentence of imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the Criminal revision, the reliefs of suspension of sentence and bail are granted, on the following conditions :-

i. The petitioner shall execute 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 Judicial Magistrate No.1, Sankari.

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

6. The Criminal Miscellaneous Petitions are ordered accordingly.

-sd/-

04/01/2022

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.



1 THE PRINCIPAL DISTRICT
AND SESSIONS JUDGE, SALEM.

2 THE JUDICIAL MAGISTRATE,
NO.I, SANKARI, SALEM DISTRICT.

3 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION]

4 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS

+1 C.C. To MR.G.ARUL MURUGAN Advocate on payment of necessary
charges SR.NO.153

Order

in
CRL MP.Nos.13851 & 13854 of 2021
in
CRL RC.1071/2021

Date :04/01/2022

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

RW 06/01/2022