



Crl.M.P.No.18964 of 2022 in Crl.RC.No.1577 of 20--

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.18964 of 2022

in

Crl.R.C.No.1577 of 2022

1. N. Dhanraj Kochar
2. Inderchand D. Kochar
3. D.Suresh Kumar Kochar
4. Ramesh Kumar Kochar
5. Jitesh Kumar
6. Raj Kumari
7. Anitha
8. Sarala

... petitionerss

/vs/

State, represented by
the Inspector of Police,
Thuraipakkam Police Station,
Chennai.

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 397(1) of Cr.P.C., to suspend the sentence imposed against the petitioners in judgment dated 01.11.2017 in C.C.No.530 of 2007 on the file of the Judicial Magistrate at Alandur and confirmed by the judgment dated 10.10.2022 in Crl.A.No.82 of 2017 on the file of the Additional District and Sessions Judge, Chengalpattu and grant bail pending disposal of the Criminal Revision Case.

For petitioners

... Mr. E.K. Kumaresan for
Mr.T.Vanitha.

For Respondent

... Mr.V. Meganathan, GA (crl.side)



ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed against the petitioners in judgment dated 01.11.2017 in C.C.No.530 of 2007 on the file of the Judicial Magistrate at Alandur which was confirmed by the judgment dated 10.10.2022 in Crl.A.No.82 of 2017 on the file of the Additional District and Sessions Judge, Chengalpattu and grant them bail pending disposal of the Criminal Revision Case.

2. The petitioners, who are A1, A2, A3, A5, A7, A8, A9 and A10 respectively in C.C.No.530 of 2007 were convicted and sentenced by the Judicial Magistrate, Alandur as follows:

<i>petitioners' s Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A1	Section 409 IPC	3 years SI and a fine of Rs.10,000/-, in default, to undergo 3 months SI
	Section 120(B) IPC	3 years SI and a fine of Rs.10,000/-, in default, to undergo, 3 months SI
A2, A3, A5, A7, A8, A9 and A10	409, r/w.109 IPC	3 years SI and a fine of Rs.10,000/-, each, in default, to undergo 3 months SI
	Section 120(B) IPC	3 years SI and a fine of Rs.10,000/- each, in default, to undergo, 3 months SI

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



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3. The judgment of conviction and sentence imposed by the trial court is confirmed by the learned Additional District and Sessions Judge, Chengalpattu in Crl.A.No.82 of 2017 by his judgment, dated 10.10.2022. Aggrieved over the same, the petitioners have preferred the present criminal revision along with the instant miscellaneous petition, seeking suspension of sentence and bail.

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

5. The learned counsel for the petitioners submitted that there are arguable points in this revision and the petitioners have a good and fair chance of success in this revision. Thus, he prayed for suspension of sentence imposed on the petitioners till the disposal of this Criminal revision.

6. The petitioners have raised substantial grounds in the revision which require detailed appraisal. Further, the revision 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 petitioners are entitled to the relief of suspension of sentence and bail.

7. Accordingly, the relief of suspension of sentence alone is granted on



the following conditions:

- (i) Each of petitioners 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 Judicial Magistrate, Alandur.
- (ii) The petitioners and the sureties shall affix their photograph and Left Thumb Impression in the bond and the Trial Court may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.
- (iii) The petitioners shall appear before the trial Court as and when required.

15.12.2022

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Note : Issue Today

To

1. The Judicial Magistrate, Alandur
2. The Additional District and Sessions Judge, Chengalpattu
3. The Inspector of Police,
Thuraipakkam Police Station,
Chennai.
4. The Public Prosecutor
High Court, Madras

V.SIVAGNANAM, J.

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