



Crl.O.P.No.21639 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21639 of 2023

1. Raja
2. Geetha
3. Indhu
4. Thabitha

.. Petitioners

Versus

The State Rep. by
Sub Inspector of Police,
V-4 Rajamangalam Police Station,
Chennai - 600 099.

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed in Crl.M.P.No.22854 of 2023 in C.A.No.539 of 2023, dated 11.09.2023 passed by the learned Principal Sessions Judge, City Civil Court at Chennai and allow this Criminal Original Petition.

For Petitioners : Mr.B.Sundarapandiyan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



Crl.O.P.No.21639 of 2023

ORDER

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This petition has been filed challenging the order passed by the Court below dismissing the application filed for suspension of sentence pending C.A.No.539 of 2023.

2. Heard Mr.B.Sundarapandiyar, learned Counsel for the petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor for the respondent and carefully perused the materials available on record.

3. The petitioners were convicted and sentenced in the following terms:-

S.No.	Provision under which convicted	Sentence
1.	Section 147 of I.P.C	Fine of Rs.1,000/- each and in default to undergo two weeks Simple Imprisonment
2.	Section 448 of I.P.C	Fine of Rs.500/- each and in default to undergo one week Simple Imprisonment
3.	A2 to A4 were convicted for offence under Section 325 of I.P.C	Each of them were sentenced to undergo three years Rigorous Imprisonment and to pay a fine of Rs.2,000/- each and in default to undergo four weeks Simple Imprisonment
4.	A1 to A4 were convicted for offence under Section 325 read with Section 149 of I.P.C	Three years Rigorous Imprisonment and a fine of Rs.2000/- and in default, to undergo four weeks Simple Imprisonment
5.	Section 323 of I.P.C	Fine of Rs.500/- and in default, to undergo one week Simple Imprisonment



Crl.O.P.No.21639 of 2023

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This judgment was passed by the learned XIII Metropolitan Magistrate, Egmore, Chennai in C.C.No.7607 of 2007 on 09.08.2023. The Trial Court had suspended the sentence till 08.09.2023.

4. Aggrieved by the above judgment, the petitioners filed C.A.No.539 of 2023. Along with the appeal, the petitioners had also filed an application for suspension of sentence. This was filed only on 02.09.2023 and the matter came up for hearing only on 11.09.2023 and by then, the period for which the sentence was suspended by the Trial Court came to an end. In view of the same, the Court below dismissed the application filed for suspension of sentence. Aggrieved by the same, the present petition has been filed before this Court.

5. Taking into consideration the facts and circumstances of the case and also the fact that the petitioners have some arguable points in the Criminal Appeal, this Court is inclined to dispose off the Criminal Original Petition in the following terms:-



Crl.O.P.No.21639 of 2023

WEB COPY

(a) The petitioner is directed to surrender before the Principal Sessions Judge, City Civil Court at Chennai on or before 27.09.2023 and file a bail application before the concerned Court;

(b) The learned Principal Sessions Judge, City Civil Court at Chennai shall enlarge the petitioners on bail by imposing necessary conditions;

(c) The petitioners shall report before the learned Principal Sessions Judge, City Civil Court at Chennai at the time of hearing without fail.

21.09.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

Note : Issue order copy on 22.09.2023.

To

1. The Principal Sessions Judge,
City Civil Court,
Chennai.
2. The Sub Inspector of Police,
V-4 Rajamangalam Police Station,
Chennai - 600 099.
3. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.21639 of 2023



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Crl.O.P.No.21639 of 2023

N.ANAND VENKATESH, J.

grs

Crl.O.P.No.21639 of 2023

21.09.2023