



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 31.07.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.M.P.Nos.10734 and 10736 of 2024
in Crl.RC.No.1238 of 2024

R.Harikumar

...Petitioner

Vs.

The Inspector of Police,
W2, All Women Police Station,
Triplicane Circle,
Anna Salai, Chennai-600 002.

...Respondent

Crl.MP.No.10734 of 2024: Criminal Miscellaneous Petition filed under Section 397(1) of Criminal Procedure Code praying to suspend the sentence imposed upon the petitioner vide the impugned judgment Magistrate, Egmore, Chennai confirmed by the learned XXII Additional City Civil Court Judge, Allikulam, Chennai vide its impugned Judgment dated 12.04.2024 passed in Crl.A.No.362 of 2023.

Crl.MP.No.10736 of 2024: Criminal Miscellaneous Petition filed under Section 482 of Criminal Procedure Code praying to exemption of surrendering to the petitioner/accused vide the impugned judgment Magistrate, Egmore, Chennai confirmed by the learned XXII Additional City Civil Court Judge, Allikulam, Chennai vide its impugned Judgment dated 12.04.2024 passed in Crl.A.No.362 of 2023.



For Petitioner : Mr.Arun Anbumani

For Respondent : Mr.A.Gopinath

Government Advocate (Crl. Side)

ORDER

The petitioner has filed the Criminal Miscellaneous petition to suspend the sentence imposed upon the petitioner vide the impugned judgment Magistrate, Egmore, Chennai confirmed by the learned XXII Additional City Civil Court Judge, Allikulam, Chennai vide its impugned Judgment dated 12.04.2024 passed in Crl.A.No.362 of 2023.

2. The revision petitioner was convicted for the offence under Section 406 IPC and imposed a sentence of three years RI. Further the accused shall pay as compensation of Rs.38,50,000/- in lieu of 77 sovereigns of jewels to the defacto-complainant within two months and in default of payment of the compensation, the accused shall undergo six months SI. Aggrieved by the same, the present revision has been filed along with the petition seeking suspension of sentence.



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3. The learned counsel for the petitioner submit that there are lot of material contradictions in this case. It is further submitted that apprehending arrest, the present petition for suspension of sentence is filed and the petitioner is not in jail. However, the petitioner is ready to pay 50% of the fine amount in the credit of the case before the lower Court.

4. Having regard to the fact that there are arguable points involved in the revision and further, the petitioner has come forward to pay 50% of the fine amount, I am of the considered opinion that the revision petitioner is entitled for the relief of suspension of sentence.

5. The sentence imposed by the Court below dated 12.04.2024 made in C.A.No.362/2023 on the file of the learned XXII Additional City Civil Court Judge, Allikulam, Chennai is suspended, subject to the following conditions :-

"(a) The petitioner is directed to deposit

50% of the fine amount in CC.No.4507 of 2012 on the



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file of the learned Chief Metropolitan Magistrate, Egmore, Chennai within a period of four weeks from the date of receipt of copy of this order.

(b) The petitioner shall execute a bail 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 learned Chief Metropolitan Magistrate, Egmore, Chennai. This bail bond shall be entertained only after the deposit of the money specified in clause (a).

(c) The petitioner shall appear before the learned Chief Metropolitan Magistrate, Egmore, Chennai on the first working day of the every English Calendar Month at 10.30 am, until further orders; and

(d) If the petitioner fails to deposit the amount and execute the bail bond as stipulated in Clause (a) and (b), the order of interim suspension of sentence shall stand cancelled automatically without



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reference to this Court and the learned Magistrate, shall immediately issue non-bailable warrant and secure the petitioner to serve the sentence imposed against the petitioner."

6. CrI.MP.No.10734 of 2024 is ordered accordingly. However, this Court is inclined to dismiss the petition in CrI.MP.No.10736 of 2024 and the same is dismissed.

31.07.2024
(2/2)

Note: Issue order copy on 31.07.2024

To

- 1.The *Chief Metropolitan Magistrate, Egmore, Chennai.*
2. The XXII Addl. City Civil Court, Allikulam, Chennai.
3. The Inspector of Police,
W2, All Women Police Station,
Triplicane Circle,
Anna Salai, Chennai-600 002.
4. The Public Prosecutor,

5/6



High Court of Madras,
Chennai – 600 104.

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M.DHANDAPANI, J.

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