



Crl.M.P.No.2557 of 2017
in Crl.R.C.No.248 of 2017

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N.SESHASAYEE, J.

The revision petitioner herein was successively convicted both by the trial Court in E.O.C.C.No.23 of 2008 as well as by the Sessions Court in Crl.A.No.254 of 2011, for offences U/s.132 and 135(1)(a)(b)(c) of the Customs Act, 1962. He was sentenced to undergo six months and one year R.I. respectively with fine. Challenging the judgment in Crl.A.No.254 of 2011, the petitioner herein moved this Court in Crl.R.C.No.248 of 2017. Along with the present revision, the petitioner had taken out Crl.M.P.Nos.2557 and 2558 of 2017, one for suspension of sentence and another seeking exemption from appearance. No orders however were passed on the same. In effect, the revision petitioner did not surrender before the trial Court to undergo the sentence. It is in this backdrop, Crl.R.C.248 of 2017 was listed for final hearing and the learned Judge after going through the papers directed that the petitioner to surrender before the trial Court. Challenging the said order of this Court, the petitioner preferred Special Leave to Appeal (Crl.) No.9648 of 2024, and this came to be



Crl.M.P.No.2557 of 2017
in Crl.R.C.No.248 of 2017

dismissed on 12.08.2024 with a direction to the petitioner to surrender before the trial Court within a week from the date of the said order of the Court.

2.The petitioner, however, surrendered before the trial Court, but not within the time stipulated by the Court. At any rate, he had now surrendered and he is now in judicial custody. It is in these circumstances, the present Crl.M.P.No.2557 of 2017 came to be listed before this Court for hearing. The learned counsel for the petitioner submitted how the petitioner was kept in dark about the direction given by the Court to surrender initially and various other domestic factors that disabled him from so doing. Since these facts were not stated in the affidavit supporting Crl.M.P.No.2557 of 2017, this Court required the learned counsel to file a supporting affidavit to that effect. Since the petitioner is in judicial custody and confined at Central Prison, Puzhal, Chennai, supporting affidavit was filed on his behalf by his brother P.Suryanarayana Rao. In paragraph No.9, it is averred that the petitioner's mother viz. Palachuru Sarajanamma was hospitalised on



Crl.M.P.No.2557 of 2017
in Crl.R.C.No.248 of 2017

16.08.2024 and that on the night of 29/30.08.2024, she passed away and that the petitioner had performed obsequies connected therewith. The obsequies concluded on 11.09.2024, but on the very next day viz. 12.09.2024 the petitioner had lost his brother in law (brother of his wife viz. D.Venkata Siva Prasad), and again he had to stay for obsequies. The obsequies of petitioner's brother in law concluded on 26.09.2024, but on 29.09.2024 the petitioner lost his mother in law. Hence, he could not surrender in time.

3.The learned counsel added that the petitioner has paid the fine amount of Rs.1 lakh as imposed by the trial Court. He further submits that the petitioner at present confined in the Central Prison, Puzhal, Chennai.

4.The learned Prosecutor, on instruction submitted that it is true that the petitioner had suffered back to back calamities in his house within a span of 45 days.

5.Without getting into the merit of the Revision Petition, this Court considers that it is only appropriate to suspend the sentence and grants



Crl.M.P.No.2557 of 2017
in Crl.R.C.No.248 of 2017

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petitioner bail on following conditions:

(i) the petitioner is directed to be enlarged on bail on condition that 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 learned Additional Chief Metropolitan Magistrate, EO1, Egmore, Chennai;

(ii) The petitioner is also directed to deposit a sum of Rs.1,00,000/- (Rupees one lakh only), to the credit of C.C.No.23 of 2008, which is refundable irrespective of the out come of the Revision; and

(iii) on further condition that the petitioner shall appear before the said Court on the first working day of every English Calender month at 10.30 a.m. until further orders.

26.11.2024

Note to office: Issue order copy on 26.11.2024

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