



Crl.M.P.Nos.1052, 1105, 1053 and 1107 of 2024
in
Crl.R.C.Nos.130 and 134 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.M.P.Nos.1052, 1105, 1053 and 1107 of 2024
in
Crl.R.C.Nos.130 and 134 of 2024

A.D.Kanagaraj

... Petitioners in
Crl.M.P.Nos.1052&1053 of 2024

N.Ramachandran

... Petitioners in
Crl.M.P.Nos.1105&1107 of 2024

Vs.

The State,
Represented by Inspector of Police,
C.C.IW.CID,
Coimbatore Rural,
Coimbatore.
(Crime No.01 of 2006)

... Respondents in
in Crl.M.P.Nos.1052&1053 of 2024

The State,
Represented by Public Prosecutor,
C.C.IW.CID,
Coimbatore,
(Crime No.01 of 2006)

... Respondents in
in Crl.M.P.Nos.1105&1107 of 2024



Crl.M.P.Nos.1052, 1105, 1053 and 1107 of 2024
in
Crl.R.C.Nos.130 and 134 of 2024

WEB COPY

COMMON PRAYER in Crl.M.P.Nos.1052 and 1105 of 2024 : Criminal Miscellaneous Petitions filed under Sections 397(1) and 389 of Criminal Procedure Code, to suspend the sentence imposed on the petitioners / appellants in Crl.A.Nos.314 and 331 of 2017 on the file of the learned I Additional District and Sessions Judge, Coimbatore dated 03.11.2023, confirming the order passed in C.C.No.9 of 2006 by the learned Judicial Magistrate No.IV, Coimbatore dated 20.09.2017 pending disposal of the above criminal revision petitions and enlarge the petitioners on bail.

CPMMON PRAYER in Crl.M.P.Nos.1053 and 1107 of 2024 : Criminal Miscellaneous Petitions filed under Section 482 of Criminal Procedure Code, to exempt the petitioners from surrendering in Crl.A.Nos.314 and 331 of 2017 on the file of the learned I Additional District and Sessions Judge, Coimbatore dated 03.11.2023, confirming the order passed in C.C.No.9 of 2006 on the file of the learned Judicial Magistrate No.IV, Coimbatore dated 20.09.2017 pending disposal of the above criminal revision petitions and enlarge the petitioners on bail.

For Petitioners in all petitions	:	Mr.T.Suriya
For Respondents in all petitions	:	Mr.A.Gopinath Govt. Advocate (Crl.Side)



WEB COPY



Crl.M.P.Nos.1052, 1105, 1053 and 1107 of 2024
in
Crl.R.C.Nos.130 and 134 of 2024

COMMON ORDER

Crl.M.P.Nos.1052 and 1105 of 2024 have been filed to suspend the sentence imposed on the petitioners / appellants in Crl.A.Nos.314 and 331 of 2017 on the file of the learned I Additional District and Sessions Judge, Coimbatore dated 03.11.2023, confirming the order passed in C.C.No.9 of 2006 by the learned Judicial Magistrate No.IV, Coimbatore dated 20.09.2017 pending disposal of the above criminal revision petitions and enlarge the petitioners on bail.

2. Crl.M.P.Nos.1053 and 1107 of 2024 have been filed to exempt the petitioners from surrendering in Crl.A.Nos.314 and 331 of 2017 on the file of the learned I Additional District and Sessions Judge, Coimbatore dated 03.11.2023, confirming the order passed in C.C.No.9 of 2006 by the learned Judicial Magistrate No.IV, Coimbatore dated 20.09.2017 pending disposal of the above criminal revision petitions and enlarge the petitioners on bail.



Crl.M.P.Nos.1052, 1105, 1053 and 1107 of 2024
in
Crl.R.C.Nos.130 and 134 of 2024

WEB COPY

3. The A1 / Kanagaraj was convicted for offence under Section 406 of IPC and sentenced to undergo simple imprisonment for the period of two years and A3 / Ramachandran was convicted for the offence under Section 408 of IPC and sentenced to undergo simple imprisonment for a period of two years and to pay a fine of Rs.1,000/- each, in default of payment of the compensation, to undergo simple imprisonment of one month each, vide judgment dated 20.09.2017 in C.C.No.9 of 2006, against which, appeal was filed in Crl.A.Nos.314 and 331 of 2017 before the learned I Additional District and Sessions Judge, Coimbatore, and the same were dismissed. Aggrieved by the same, the revision petitions have been filed along with the present petitions to suspend the sentence.

4. The learned counsel for the revision petitioners submitted that pursuant to the order dated 11.03.2024 made in Crl.R.C.Nos.130 and 134 of 2024, the petitioners have deposited the amount and there are lot of material contradictions in the evidence of the prosecution and the prosecution



Crl.M.P.Nos.1052, 1105, 1053 and 1107 of 2024
in
Crl.R.C.Nos.130 and 134 of 2024

WEB COPY

evidence is also highly unbelievable. It is further submitted that apprehending arrest, the present petitions for suspension of sentence are filed and the petitioners are not in jail.

5. Having regard to the fact that there are arguable points involved in the revisions and further, the revisions are not likely to be taken up for final hearing in the near future, I am of the considered opinion that the petitioners is entitled for the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone as against the petitioners are hereby suspended on the following conditions:

(a) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the satisfaction of the learned Judicial Magistrate No.IV, Coimbatore along with two sureties for a like sum;



WEB COPY



Crl.M.P.Nos.1052, 1105, 1053 and 1107 of 2024
in
Crl.R.C.Nos.130 and 134 of 2024

*(c) the Petitioners shall report before the Court
below on the first working day of every month at 10.30
AM, until further orders.*

7. Crl.M.P.Nos.1052 and 1105 of 2024 are ordered accordingly.
However, this Court is not inclined to exempt the petitioners from
surrendering before the Court below. Hence, Crl.M.P.Nos.1053 and 1107 of
2024 are dismissed.

**03.07.2024
(2/2)**

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

Note: Issue order copy by 09.07.2024



WEB COPY



Crl.M.P.Nos.1052, 1105, 1053 and 1107 of 2024
in
Crl.R.C.Nos.130 and 134 of 2024

To

1. The learned Judicial Magistrate No.IV,
Coimbatore
2. The learned I Additional District and Sessions Judge,
Coimbatore
3. The Inspector of Police,
C.C.IW.CID,
Coimbatore Rural,
Coimbatore.
4. The Public Prosecutor,
C.C.IW.CID,
Coimbatore.
5. The Public Prosecutor,
Madras High Court,
Madras.



WEB COPY



Crl.M.P.Nos.1052, 1105, 1053 and 1107 of 2024
in
Crl.R.C.Nos.130 and 134 of 2024

M.DHANDAPANI, J.

vji

Crl.M.P.Nos.1052, 1105, 1053 and 1107 of 2024
in
Crl.R.C.Nos.130 and 134 of 2024

03.07.2024
(2/2)