

Petitioner Vs. Respondent

Petitioner Vs. Respondent

SooperKanoon Citation : sooperkanoon.com/1188101

Court : Chennai

Decided On : Sep-27-2016

Judge : M. Venugopal

Appeal No. : Crl.M.P.No. 10188 of 2016 in Crl.A.No. 711 of 2016

Appellant : Petitioner

Respondent : Respondent

Judgement :

M. Venugopal, J.

1. Heard both sides.

2. The Petitioner / Appellant / Accused has preferred the present Criminal Appeal before this Court (as an aggrieved person) as against the Judgment dated 30.08.2016 in S.C.No.3 of 2016 passed by the Learned Mahila Judge (Fast Track Court) Udhagamandalam, Nilgiris District.

3. It comes to be known that the Petitioner / Appellant / Accused was found not guilty in respect of an offence under Section 447 of IPC. In respect of an offence under Section 3(i) of Tamilnadu Property (Prevention of Damage and Loss) Act he was found guilty and was convicted and sentenced to undergo one year Rigorous Imprisonment and was also directed to pay a fine of Rs.10,000/- (Rupees Ten

Thousand only), in payment of default of fine, he was directed to undergo three months Simple Imprisonment. In respect of offence under Section 506(ii) of IPC, he was found guilty and was imposed with a fine of Rs.1,000/- (Rupees One thousand only) in default of payment of fine, he was directed to undergo further two months Simple Imprisonment.

4. It is represented on behalf of the Petitioner / Appellant / Accused that the Petitioner / Appellant / Accused had remitted a total fine amount of Rs.11,000/- (Rupees Eleven Thousand only) on 30.08.2016 itself.

5. It is to be noted that an 'Appeal' is a continuation of original proceedings of S.C.No.3 of 2016 on the file of trial court. The Petitioner/ Appellant / Accused being dissatisfied with the Judgment of the trial court in S.C.No.3 of 2016 dated 30.08.2016 has filed the present Appeal by exercising his statutory right under Criminal Procedure Code.

6. At this stage, this Court has perused the various grounds raised in the 'Memorandum of Appeal' and is of the considered view that the Petitioner / Appellant has raised some tangible points which are to be looked into by this Court in detail at the time of final hearing of 'Appeal'. Also this Court is very much aware of the fact that the present Criminal Appeal is not likely to be heard in the near future.

Considering the fact that the Petitioner / Appellant/ Accused has raised tangible / arguable points in the 'Memorandum of Grounds of Appeal' and also this Court taking note of the prime fact that the present Appeal preferred by the Petitioner / Appellant / Accused is a continuation of original proceedings and also on an overall assessment of the facts and situation of the present case in an integral manner at this stage is inclined to suspend the substantial sentence of imprisonment alone and orders the release of the Petitioner / Appellant / Accused on his executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a likesum to the satisfaction of Learned Mahila Judge (Fast Track Court) Udthagamandalam, Nilgiris District and on further condition that the Petitioner / Appellant / Accused shall appear before the said Court on the First working day of every English calender month at 11.00 a.m., till the disposal of the

Criminal Appeal. Accordingly, Criminal M.P.No.10188 of 2016 is ordered.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com