

Petitioner Vs. Respondent

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Court : Chennai

Decided On : Sep-16-2016

Judge : M. Venugopal

Appeal No. : Crl.M.P.Nos. 9793 & 9794 of 2016 in Crl.A.Nos. 695 & 696 of 2016

Appellant : Petitioner

Respondent : Respondent

Judgement :

M. Venugopal, J.

1. Heard both sides.

2. The Petitioners / Appellants / A.3 and A.4 (Rank of accused realigned) have filed the present Criminal Appeal before this Court as against the Judgment dated 12.09.2016 in S.C.No.210 of 2013 passed by the Learned Sessions Judge, Magalir Neethimandram (Mahila Court), Salem.

3. It transpires that the Petitioners / Appellants / A.3 and A.4 were found guilty in respect of an offence under Section 313 r/w Section 511 of IPC and was awarded with a punishment of five years Rigorous Imprisonment and also they were directed to pay a fine of Rs.2,000/- (Rupees Two Thousand only) each in default of payment of fine, they were directed to undergo three months Simple

Imprisonment, by the Learned Sessions Judge, Magalir Neethimandram (Mahila Court), Salem in S.C.No.210 of 2013 dated 12.09.2016. In respect of Section 4 of Tamilnadu Prohibition (Harassment of Women) Act 1998, the Petitioners / Appellants / A.3 and A.4 were convicted and sentenced to undergo three years Rigorous Imprisonment and further they were directed to pay a fine of Rs.10,000/- (Rupees Ten Thousand only) each, in default of payment of said fine, they were directed to undergo six months Simple Imprisonment each.

4. It is represented before this Court on behalf of the Petitioners / Appellants / A.3 and A.4 that they had remitted the said fine sum.

5. It is an axiomatic principle of Law that an 'Appeal' is a continuation of original proceedings of main case namely, S.C.No.210 of 2013 on the file of the trial court. Indeed filing of an 'Appeal' is a statutory right showered upon the Petitioners / Appellants / A.3 and A.4 to challenge the Judgment of the trial court in S.C.No.210 of 2013 dated 12.09.2016 as aggrieved persons.

6. As far as the present case is concerned, the Petitioners / Appellants / A.3 and A.4 have exercised their right of filing of the present Appeal in CrI.A.No.695 of 2016, as envisaged by the Criminal Procedure Code.

7. Be that as it may, in view of the fact that the present Appeal is continuation original proceedings in S.C.No.210 of 2013 on the file of the trial court and also this Court taking note of the entire attendant facts and circumstances of the present case in a conspectus fashion and also this Court on going through the various grounds raised in the 'Memorandum of Grounds of Appeal' and also bearing in mind another important fact that the present appeal is not likely to be heard in the immediate future, at this stage, this Court is inclined to suspend the substantial sentence of imprisonment alone and orders the release of the Petitioners/ Appellants /A.3 and A.4 on each of them executing a bond for Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a likesum to the satisfaction of Learned Sessions Judge, Magalir Neethimandram (Mahila Court), Salem and on further condition that the Petitioners / Appellants / A.3 and A.4 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,

Crl. M.P.No.9793 of 2016 is ordered.

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