

Crl.M.P.No.12218 of 2016
in
Crl.R.C.No.1397 of 2016

C.T.SELVAM, J

Petitioner faced trial in C.C.No.213 of 2008 on the file of learned Judicial Magistrate I, Mayiladuthurai. Trial Court, under judgment dated 28.09.2012, convicted the petitioner for offences u/s. 279, 338 and 304-A IPC and imposed fine of Rs.700/- i/d 3 weeks S.I. for offence u/s.279 IPC; Rs.800/- i/d 3 weeks S.I. for offence u/s.338 IPC and 1 year S.I. and fine of Rs.1,000/- i/d 1 month S.I. for offence u/s.304-A IPC. The appeal preferred by petitioner in C.A.No.57 of 2012 on the file of learned District and Sessions Judge, Nagapattinam, came to be dismissed under judgment dated 26.03.2015. This miscellaneous petition has been filed seeking suspension of sentence.

2. Learned counsel for petitioner would submit that there are several infirmities and inconsistencies in the prosecution case. Learned counsel further informs that petitioner is now confined at Central Prison, Cuddalore.

3. Heard learned Government Advocate [Crl.side] on the submissions made by learned counsel for petitioner.

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4. Taking into consideration the submissions of learned counsel for petitioner and that the revision is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein may be granted the relief of suspension of sentence.

Accordingly, the substantive sentence of imprisonment alone is suspended and petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond in a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of learned Judicial Magistrate I, Mayiladuthurai, Nagapattinam District and on further condition that petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending revision.

17.11.2016

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Note to office: Issue today

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