



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Tenth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice K.K.SASIDHARAN
and

The Hon`ble Mr.Justice B.GOKULDAS

CRL MP(MD) No.6594 of 2016

IN

CRL A(MD) No.7 of 2015

KANNAIYAN

... PETITIONER/SOLE ACCUSED

Vs

STATE THROUGH

THE INSPECTOR OF POLICE
THIRUVANAM POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO. 35/2011)

... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed against my husband in Crl.A.No. 7/2015 dated 15.04.2016 in S.C.No. 87/2012 dated 17.12.2014 on the file of the learned III Additional Sessions Judge, Pattukottai and enlarge the petitioner on bail pending disposal of Crl.A. No. 7/2015

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S M.SUBASH BABU, Advocate for the petitioner and Mr.RAMACHANDRAN, Additional Public Prosecutor on behalf of the Respondents the court made the following order:-

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor on behalf of the State.

2. This petition is to suspend the sentence in Crl.A.(MD).No.7 of 2015 and to enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

3. The petitioner filed the appeal against the Judgment dated 17.12.2014 in S.C.No.87 of 2012, on the file of learned Third Additional Sessions Judge, Pattukottai, Thanjavur District.

4. The petitioner was enlarged on bail, pursuant to the order passed by this Court, on 16.10.2015, after entertaining the Criminal Appeal. Thereafter, the Criminal Appeal was dismissed for default on



15.04.2016. This Court directed the Trial Court to take appropriate steps to arrest the petitioner and put him in prison. It is a matter of record that pursuant to the order passed by this Court on 15.04.2016, the petitioner was arrested by the police and he is presently lodged at Central Prison, Trichirappalli.

5. This Court, by order dated 19.07.2016, in CrI.M.P.(MD). No.5737 of 2016, restored the Criminal Appeal to file. The present petition is to enlarge the petitioner on bail by suspending the sentence.

6. There is no dispute that earlier, the petitioner was released on bail by this Court. It was only on account of the failure on the part of his counsel to appear before this Court for hearing, the Criminal Appeal was dismissed. The Criminal Appeal has already been restored to file. Under the said circumstances, we are of the view that the sentence should be suspended pending disposal of the Criminal Appeal.

7. The sentence imposed on the petitioner, by Judgment dated 17.12.2014, in S.C.No.87 of 2012, on the file of learned Third Additional Sessions Judge, Pattukottai, Thanjavur District, shall remain suspended till the disposal of the Criminal Appeal, on condition that the petitioner executes a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Orathanadu and with a further condition that he shall report before the said Court at 10.30 AM, on the first working day of every week, for a period of eight weeks, commencing from 16th August 2016.

8. The Miscellaneous Petition is disposed of, as indicated above.

sd/-
10/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

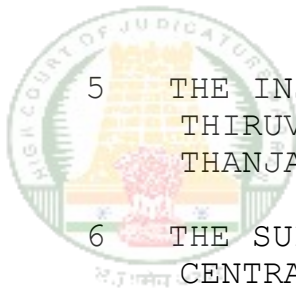
TO

1 THE IIIIRD ADDITIONAL SESSIONS JUDGE,
PATTUKOTTAI, THANJAVUR DISTRICT

2 THE PRINCIPAL SESSIONS JUDGE
THANJAVUR AT KUMBAKONAM

3 THE JUDICIAL MAGISTRATE
ORATHANADU, THANJAVUR

<https://hcservices.ecourts.gov.in/hcservices/>
4 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR AT KUMBAKONAM



5 THE INSPECTOR OF POLICE
THIRUVANAM POLICE STATION,
THANJAVUR DISTRICT.

6 THE SUPERINTENDENT
CENTRAL PRISON, TIRUCHIRAPPALLI

WEB COPY

+1. C.C. to M/S M.SUBASH BABU Advocate SR.No.43566

jam/17.08.16/SS2/SAR I/3P-8C

ORDER

IN

CRL MP(MD) No.6594 of 2016

IN

CRL A(MD) No.7 of 2015

Date :10/08/2016