

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Second day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice N. AUTHINATHAN

CRIMINAL MISCELLANEOUS PETITION No.12199 of 2017

IN CRL A.610/2017

SUGUMAR @ KRISHNAPARAMATHMA,

[PETITIONER]

Vs

STATE REP. BY

[RESPONDENT]

DEPUTY SUPERINTENDENT OF POLICE,

POLLACHI DIVISION,

ALL WOMEN POLICE STATION, POLLACHI.

(CRIME NO.15 OF 2012).

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.610 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner by the Learned Principal District Sessions Judge, Coimbatore, in Special S.C.No.12 of 2013 by order dated 06.09.2017 pending disposal of C.A.No.SR 42066 of 2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.610 of 2017 on the file of the High Court and upon hearing the arguments of MR.C.RAMKUMAR, Advocate for the petitioner and of MR. K.MATHAN, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

Heard both sides.

2 . The petitioner seeks suspension of sentence pending disposal of the appeal.

3. The petitioner is the accused in Special Sessions Case No.12 of 2013 on the file of the learned Principal District and Sessions Judge, Coimbatore and he was convicted for the offence under Section 417 of IPC and sentenced to undergo simple imprisonment for six months and to pay a fine of Rs.25,000/-, in default to undergo simple imprisonment for three months. Aggrieved by the order of conviction and sentence, the petitioner herein preferred an Appeal and pending appeal, he filed this petition for suspension of sentence.

2. The learned counsel for the petitioner would submit that the Trial court has already suspended the sentence till 06.10.2017. He further submit that there are arguable points in the appeal and that therefore, he prayed for the suspension of the sentence.

3. The learned Government Advocate (Crl. Side) has not raised any serious objection, as the Trial Court has already suspended the sentence.

4. I have perused the materials on record and the judgment of the Trial Court. There is no fear that the petitioner will flee from justice and there is no allegation that he has misused his liberty, during trial. Hence, I am inclined to suspend the substantive sentence of imprisonment alone subject to the following conditions.

5. The sentence of imprisonment imposed on the petitioner by the trial Court alone is hereby suspended till the disposal of the appeal and the petitioner is ordered to be released on bail on his executing a bond for Rs.5,000/- [Rupees five thousand only] with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Pollachi, within a period of two weeks from the date of receipt of a copy of this order.

-sd/-
22/09/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, POLLACHI.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PRINCIPAL DISTRICT
SESSIONS JUDGE, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DEPUTY SUPERINTENDENT OF POLICE,
POLLACHI DIVISION,
ALL WOMEN POLICE STATION, POLLACHI.

+1 C.C. to M/S.C.RAMKUMAR Advocate on payment of necessary charges
-Sr.18494

Order

in
CRL MP.12199/2017

in
CRL A.610/2017

Date :22/09/2017

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ths : 22.09.2017