

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twelfth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.12718 of 2017

AND CRL.A.NO.633 of 2017

K. V. VISWANATHAN

[APPELLANT/ACCUSED NO. 1]

Vs

THE INSPECTOR OF POLICE
AVIANSHI POLICE STATION,

TIRUPPUR DISTRICT. CRIME NO.1621/10

[RESPONDENT/COMPLAINANT]

Petition praying that in the circumstances stated therein the High Court will be pleased to suspend the sentence of petitioner made in order dated 22/09/2017 in S.C.No. 249 of 2011 on the file of Principal District and /session Judge at Tiruppur pending disposal of the criminal appeal and thus render justice.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.K.MYILSAMY, Advocate for the petitioner and of MR.K. MADHAN, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

By judgment dated 22.09.2017 in S.C.No.249 of 2011, the learned Principal District & Sessions Judge, Tiruppur, convicted the petitioner for the offence punishable under Section 3 of the TNPPDL Act and sentenced to undergo 1 Year rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for a period of six months. Challenging the said conviction and sentence, the petitioner has filed the present appeal. Pending appeal, the petitioner has filed the present petition, seeking suspension of sentence.

2. It is the case of the prosecution that the petitioner pelted stone weighing about 6 to 7 Kilograms on the Government buses and caused damages to the windshield of the bus on 14.5.2010 condemning the action of the Highways authorities in removing temples, which were located on the side of the Highways.

3. Heard the learned Additional Public Prosecutor and perused the materials available on record.

4. Considering the facts and circumstances of the case and the offence for which the appellant has been convicted and also the sentence handed over to the appellant and also taking note of the fact the likelihood of taking up the appeal for hearing in the near future is bleak and there are arguable points in favour of the petitioner, this Court is inclined to suspend the sentence.

6. Accordingly, substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal & Sessions Judge, Tiruppur, and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Principal District & Sessions Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(ii) the appellant shall appear before the Trial Court/Principal District & Sessions Judge, Tiruppur, at 10.30 a.m on the first working day of every month till the disposal of the appeal.

-sd/-

12/10/2017

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 PRINCIPAL DISTRICT
& SESSIONS JUDGE, TIRUPPUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. To MR. K. MYILSWAMY, Advocate on payment of necessary charges SR.NO. 2379

Order
in
CRL MP.12718/2017
AND CRL.A.633/2017
Date :12/10/2017

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EGR 13/10/2017