

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice C.T.SELVAM

and

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.13144 of 2017

IN CRL A.665/2017

PRABHU

[PETITIONER]

Vs

THE INSPECTOR OF POLICE,
15, VELAMPALAYAM POLICE STATION,
IN CRIME NO.372 OF 2015,
TIRUPPUR DISTRICT.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.665/2017 on the file of the High Court, the High Court will be pleased to ssuspend the sentence imposed on the petition/Appellant/Accused in S.C.No.106 of 2016 dated 13.06.2017 on the file of the Learned IInd Additional District and Sessions Judge, Tiruppur.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.665/2017 on the file of the High Court and upon hearing the arguments of MR.T.PADMANABHAN, Advocate for the petitioner and of PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

[Order of the Court was made by **C.T.SELVAM, J**]

Petitioner faced trial in S.C.No.106 of 2016 on the file of learned II Additional District and Sessions Judge, Tiruppur. Under judgment dated 13.06.2017, trial Court convicted petitioner for offences u/s.302 and 380 IPC and sentenced to life imprisonment and fine of Rs.10,000/- i/d 1 year R.I. for offence u/s.302 IPC and 7 years R.I. and fine of Rs.5,000/- i/d 1 year R.I. for offence u/s.380 IPC. Seeking suspension of sentence passed against him, petitioner has moved the present petition.

2. Learned counsel for petitioner would submit that petitioner is confined at Central Prison, Coimbatore and there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in material particulars in the evidence of the prosecution witnesses.

3. Heard learned Additional Public Prosecutor on the submissions made by learned counsel for petitioner.

4. Considering the facts and circumstances as also the fact that it is not possible for the Court to take the Criminal Appeal in the near future and the submissions of learned counsel on either side, we are of the considered view that it is a fit case to grant the relief of suspension of sentence to petitioner herein.

Accordingly, the substantive sentence of imprisonment alone is suspended and petitioner is directed to be enlarged on bail on condition that 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, Tirupur 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 appeal.

-sd/-
05/02/2019

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 2ND ADDITIONAL DISTRICT AND
SESSIONS JUDGE, TIRUPPUR.

2 THE JUDICIAL MAGISTRATE,
NO.I, TIRUPUR.

3 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
15, VELAMPALAYAM POLICE STATION,
TIRUPPUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1C.C. to M/S.T.PADMANABHAN Advocate on payment of necessary
charges in SR.NO. 2583

Order

in
CRL MP.13144/2017

in
CRL A.665/2017

Date :05/02/2019

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