

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Second day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.13516 of 2017

IN CRL A.685/2017

BALAKRISHNAN,

[PETITIONER/APPELLANT/ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
DHALI POLICE STATION,
TIRUPPUR. CR.NO.4 OF 2012.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.685 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence and enlarge the petitioner on bail in S.C.No.112 of 2015 on the file of Magalir Neethimandram (Fast Track Mahila Court), Tiruppur Judgment dated 23.10.2017 pending disposal of Crl.Appeal No.685 of 2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.685 of 2017 on the file of the High Court and upon hearing the arguments of M/S.S.SARAVANAN, Advocate for the petitioner and of Mr.K.MADHAN, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

This petition has been filed seeking suspension of sentence imposed on the petitioner by the Mahila Court (Fast Track Court), Tiruppur, in S.C. No.112 of 2015 on 23.10.2017 and to enlarge the petitioner on bail.

2 It is the case of the prosecution that on 04.01.2012, around 6.30 p.m., on account of previous enmity, the petitioner herein abused his neighbour Jothi and stabbed her on her left thigh with an intention to cause death.

3 The Trial Court, by judgment dated 23.10.2017, convicted the accused under Section 307 IPC and sentenced him to undergo rigorous imprisonment for 7 years and pay a fine of Rs.1,000/-, in default to undergo rigorous imprisonment for two years.

4 The learned counsel for the petitioner submitted that the Trial Court had failed to appreciate the fact that the injury

sustained by Jothi was not an injury that would have caused her death and that the Trial Court had also failed to note the injury sustained by the accused in the occurrence. He further submitted that the fine amount has been paid by the petitioner.

5 Considering the facts and circumstances of the case and also considering the submission of the learned counsel for the petitioner that there are several infirmities in the prosecution case in respect of the petitioner and that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

6 Accordingly, the 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, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Udumalpet, and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate No.I, Udumalpet, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(ii) the petitioner shall appear before the trial Court on the first working day of every month until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

-sd/-
22/12/2017

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, UDUMALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE MAGALIR NEETHIMANDRAM
(FAST TRACK MAHILA COURT), TIRUPPUR.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
DHALI POLICE STATION,
TIRUPPUR.

+1 C.C. to M/S.S.SARAVANAN Advocate on payment of necessary
charges-Sr.23210

Order

in
CRL MP.13516/2017

in
CRL A.685/2017

Date :22/12/2017

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 22.12.2017