

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Third day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr. Justice C.T. SELVAM

CRIMINAL MISCELLANEOUS PETITION No.15107 of 2017

IN CRL A.756/2017

1 MANIKANDAN,
2 DHANALAKSHMI,

[PETITIONERS]

Vs

STATE BY
INSPECTOR OF POLICE,
THOLASAMPATTY POLICE STATION.
(CRIME NO.88/2011).

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.756/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in judgement S.C.NO.287/2013 dated 20.11.2017 passed by Mahila Court, Salem and enlarge the petitioners on bail pending criminal appeal.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.756/2017 on the file of the High Court and upon hearing the arguments of M/S.R.RAJARATHINAM, Advocate for the petitioner and of MR. V. ARUL, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

Petitioners who are arrayed as A1 and A2 faced trial in Spl.CC.No.25/2014 on the file of learned Sessions Judge, Mahalir Needhimandram, Coimbatore. Trial Court, under judgment dated 20.11.2017, convicted and sentenced the petitioners as follows:-

Rank of the Accused	Conviction under section	Sentence awarded
A1- Manikandan	376 read with 511 IPC	To undergo 3 ½ years rigorous imprisonment and to pay a fine of Rs.10,000/- with a default sentence of 6 months simple imprisonment.
	323 IPC	To undergo 1 year simple imprisonment and to pay a fine of Rs.1000/- with a default sentence of 1 month simple imprisonment.
A2 - Danalakshmi	324 IPC	To undergo 3 years rigorous imprisonment and to pay a fine of Rs.2000/- with a default sentence of 3 months simple imprisonment.

Insofar as A1 is concerned the sentences were ordered to run consecutively. Challenging the conviction and sentence, the petitioners have preferred the above appeal and this miscellaneous petition has been filed seeking suspension of sentence, pending appeal.

2 Learned counsel for petitioners would submit that there are several infirmities and inconsistencies in the prosecution case. Learned counsel further informs that the petitioners / appellants are in custody for more than 45 days.

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

4 Taking into consideration the submissions of learned counsel for petitioners and that the criminal appeal is not likely to be taken up for final hearing in the near future and further considering the fact that the petitioners are in custody for the past 45 days, this Court is of the view that petitioners herein may be granted the relief of suspension of sentence.

5 Accordingly, the substantive sentences of imprisonment alone is suspended and petitioners are directed to be enlarged on bail on condition that each of the petitioners 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, Omalur and on further condition that petitioners shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-

03/01/2018

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 MAHILA JUDGE,
MAHILA COURT, SALEM.

2 THE PRINCIPAL SESSIONS JUDGE,
SALEM. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 STATE BY
INSPECTOR OF POLICE, THOLASAMPATTY POLICE
STATION.

+1 C.C. to M/S.R.RAJARATHINAM Advocate on payment of
necessary charges Sr.No.92

Order
in
CRL MP.15107/2017
in
CRL A.756/2017

Date :03/01/2018

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MD: 04/01/2018