

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Fifteenth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.15816 of 2017

IN CRL A.784/2017

CHITRA,

[APPELLANT/ACCUSED]

Vs

STATE REP. BY,
INSPECTOR OF POLICE,
NAMAKKAL POLICE STATION,
NAMAKKAL DISTRICT.
CR.NO.258 OF 2013

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.784 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed against the petitioner in S.C.No.1 of 2016 dated 15.11.2017 by the Learned Principal Sessions Judge, Namakkal District and enlarge the petitioner on bail till the disposal of the above CRL.A.No.784/2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.784 of 2017 on the file of the High Court and upon hearing the arguments of M/S.N.SURYASENTHIL, Advocate for the petitioner and of Mr.K.MADHAN, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

The petitioner faced prosecution for the offence under Sections 302, 307 and 309 IPC in S.C.No.1/2016, in which, the learned Principal Sessions Judge, Namakkal has acquitted the petitioner for the offence under Sections 302 and 309 IPC, but has convicted the accused for the offence under Sec.304(i) IPC and 307 IPC and sentenced the petitioner to undergo simple imprisonment for one year and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for three months individually for the convicted offences. The sentences were directed to run concurrently.

2. It is reported that the petitioner paid fine amount of Rs.20,000/- as could be seen from the typed set of papers.

3. The trial Court has suspended the sentence in exercise of the powers under Sec.389(3) of Code of Criminal Procedure.

4. The learned counsel for the petitioner submits that the

trial Court failed to appreciate the evidence of P.W.1 and the facts and circumstances under which the incident had taken place.

5. Since there are arguable points in favour of the petitioner and also taking into consideration of the fact that the likelihood of not taking up the appeal for hearing in the near future, 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, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Namakkal and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge 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 at 10.30 a.m on the first working day of every month till the disposal of the appeal.

(iii) If the petitioner is not able to appear on any particular date, she may file a petition under Sec.317 of Criminal Procedure Code through her counsel for condoning her absence and shall appear before the trial Court on another date, in lieu of the date of her absence.

-sd/-
15/12/2017

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 PRINCIPAL SESSIONS JUDGE,
NAMAKKAL.

2 THE JUDICIAL MAGISTRATE,
NAMAKKAL.

3 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
NAMAKKAL POLICE STATION,
NAMAKKAL DISTRICT.

+1 C.C. to M/S.C.D.JOHNSON Advocate on payment of necessary
charges-Sr.22747

Order

in
CRL MP.15816/2017

in
CRL A.784/2017

Date :15/12/2017

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 19.12.2017