

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twentieth day of February Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S. NAGAMUTHU

and

The Hon`ble Dr Justice ANITA SUMANTH

CRIMINAL MISCELLANEOUS PETITION No.2518 of 2017

IN CRL A.85/2017

1 GOWRI [PETITIONERS]
2 CHENNAKRISHNAN
3 RAMESH
4 VADIVEL
5 MUNUSAMY
6 RAKKAPPAN
7 MURUGAN
8 AMIRTHAN
9 ANDIRAKARICHI @ MUNIAMMA
10 CHANDIRA
11 SUBRAMANI

Vs

STATE REP.BY [RESPONDENT]
INSPECTOR OF POLICE,
MAHARAJAKADAI POLICE STATION,
KRISHNAGIRI DISTRICT.
CR.NO.316 OF 2013.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.85/2017 on the file of the High Court, the High Court will be pleased to suspend the execution of the conviction and sentence imposed against the appellant/accused-3 on 20-12-2016 in S.C.No.13 of 2016 by the learned Additional District Sessions Judge, Krishnagiri and enlarge them on bail pending in CRL A.85/2017 [IN CRL.MP.NO.2518 OF 2017]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.85/2017 on the file of the High Court and upon hearing the arguments of M/S.A.K.BALAJI, Advocate for the petitioner and of MR.P.GOVINDARAJAN, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

(Order of the Court was made by S.NAGAMUTHU,J.)

The petitioners are the accused 2, 4 to 13 in Sessions Case No.13 of 2016, on the file of the Additional District and Sessions

Judge, Krishnagiri. The trial Court has convicted all these petitioners/appellants for the offence under Sections 147, 342, 323 and 324 IPC. The maximum punishment imposed upon them is rigorous imprisonment for three years. Challenging the said conviction and sentence, the petitioners/appellants have come up with this appeal. Pending appeal, they seek for suspension of sentence.

2. We have heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State and we have also perused the records carefully.

3. It is brought to our notice that in the appeal filed by the third accused in CrI.A.No.42 of 2017, we called for explanation from the Presiding Officer of the trial Court as to how she was legally right in not convicting these appellants by invoking Section 302 read with Section 149 IPC, for the murder of the deceased. The explanation is under consideration. As of now, the State has not filed any appeal challenging the acquittal of these petitioners/appellants for the offence under Section 302 read with Section 149 IPC. Since the sentence imposed upon the petitioners/appellants is only for a period of three years, as per Section 389 Cr.P.C., the petitioners/appellants are entitled for suspension of sentence. It is also brought to our notice that during the period of trial, the petitioners/appellants are all on bail. In view of the same, we are inclined to suspend the sentence.

4. Accordingly, the substantive sentence of imprisonment imposed on the petitioners/appellants alone is suspended and they are directed to be enlarged on bail on condition that each of the petitioners shall execute 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 Judicial Magistrate No.2, Krishnagiri and on further condition that the petitioners shall report before the committal court on the first working day of every English Calendar month at 10.30 a.m. until further orders.

-sd/-
20/02/2017

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 ADDITIONAL DISTRICT AND
SESSIONS JUDGE, KRISHNAGIRI.

2 THE JUDICIAL MAGISTRATE,
NO.2, KRISHNAGIRI.

3 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

6 THE INSPECTOR OF POLICE,
MAHARAJAKADAI POLICE STATION,
KRISHNAGIRI DISTRICT.

+1C.C. to M/S.A.K.BALAJI Advocate on payment of necessary
charges SR NO.3420

Order

in
CRL MP.2518/2017

in
CRL A.85/2017

Date :20/02/2017

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MK:22/02/2017