

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirteenth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

CRIMINAL MISCELLANEOUS PETITION No.5274 of 2017

IN CRL A.217/2017

HARI @ HARIRAJ

[PETITIONER]

Vs

THE STATE REP. BY,
INSPECTOR OF POLICE,
ANNAIMALAI POLICE STATION,
POLLACHI.
CR.NO.490 OF 2010.

[RESPONDENT]

Petitions praying that in the circumstances stated therein the High Court will be pleased to suspend the conviction and sentence imposed against the Petitioner in Judgment dated 23.03.2017 in Spl.C.C.No.1 of 2013 passed by the Principal District Sessions Court, Coimbatore and enlarge the Petitioner on bail pending disposal of the above CRL A.217/2017 [IN CRL.MP.NO.5274 OF 2017]

Order : These petitions coming on for orders upon perusing the petition and upon hearing the arguments of M/S.P.T.ASHA Advocate M/S.SARVABHAUMAN ASSOCIATES, Advocate for the petitioner and of MR. M.MOHAMMED RIYAZ, Govt. Advocate (Crl. Side) on behalf of the Respondents the court made the following order:-

Petitioner was convicted for offences u/s.135(1)(E) of The Electricity Act, 2003 and 304(A) of IPC and sentenced to six months simple imprisonment for each offence and fine of Rs.5,000/- for each offence i/d 2 months S.I. for each by learned Principal District and Sessions Court, Coimbatore, under judgment in Spl.C.C.No.1 of 2013 dated 23.03.2017. Hence, petitioner seeks suspension of sentence.

2. Learned counsel submits that there are several infirmities and inconsistencies found in the prosecution case and there are contradictions in the material particulars between 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 of the case and in view of the fact that there are several infirmities in the prosecution case and there are arguable points involved in the appeal, as contended by learned counsel for petitioner and further the appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner 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-II, Pollachi and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-
13/04/2017

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 DISTRICT AND
SESSIONS COURT, COIMBATORE.

2 THE JUDICIAL MAGISTRATE,
NO.II, POLLACHI.

3 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
ANNAIMALAI POLICE STATION,
POLLACHI.

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1C.C. to M/S.SARVABHAUMAN ASSOCIATES Advocate on payment of
necessary charges SR NO.6796

Order

in
CRL MP.5274/2017

in
CRL A.217/2017

Date :13/04/2017

From 7.2.2001 the Registry is issuing certified
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MK:13/04/2017