

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Tenth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice M.S. RAMESH

CRIMINAL MISCELLANEOUS PETITION No.6528 of 2017

IN CRL A.263/2017

JAYAPAL,

[APPELLANT/ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

INSPECTOR OF POLICE,
CHINNA SALEM POLICE STATION,
VILLUPURAM DISTRICT.
CR.NO.40 OF 2016.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.263 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on him by the learned III Additional Sessions Judge, Villupuram at Kallakurichi, dated 27.04.2017 made in S.C.No.9 of 2017 and enlarge the petitioner on bail pending disposal of the CRL.A.NO.263/2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.263 of 2017 on the file of the High Court and upon hearing the arguments of M/S.B.KUMARASAMY, Advocate for the petitioner and of MR. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioner/A1 who is the appellant, was convicted for the offences u/s.341 and 304[1] IPC, has filed this petition seeking to suspend the sentence imposed on him for the offence u/s 304[1] IPC to undergo 7 years R.I. and to pay a fine of Rs.10,000/-, in default to undergo 6 months S.I. and for the offence u/s 341 IPC to undergo S.I. for 1 month and to pay a fine of Rs.500/-, in default to undergo 15 days and all the sentences are ordered to be run concurrently, made in S.C.No.9 of 2017 dated 27.04.2017, by the learned III Additional Sessions Judge, Villupuram at Kallakurichi.

2. Heard the submissions made by Mr.B.Kumarasamy, learned counsel for the petitioner as well as Mr.M.Mohamed Riyaz, learned Government Advocate [Crl. Side] appearing for the State.

3. Considering the grounds raised in the memorandum of grounds of criminal appeal and also considering the fact that there are arguable points involved in this appeal, this Court is of the considered view

that the substantive sentence of imprisonment alone could be suspended pending appeal.

4. Accordingly, the substantive sentence of imprisonment alone is suspended, pending disposal of the appeal 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 likesum to the satisfaction of the learned Judicial Magistrate, Kallakurichi, in a period of fifteen days from the date of receipt of a copy of this order and on further condition, that the petitioner shall report before the concerned Court, once in a week i.e., on every Monday at 10.30 a.m. until further orders.

-sd/-
10/05/2017

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,
KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE III, ADDL. SESSIONS JUDGE,
VILLUPURAM AT KALLAKURICHI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE INSPECTOR OF POLICE,
CHINNA SALEM POLICE STATION,
VILLUPURAM DISTRICT.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.B.KUMARASAMY Advocate on payment of necessary charges-Sr.8683

Order

in
CRL MP.6528/2017

in
CRL A.263/2017

Date :10/05/2017

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 12.05.2017