

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fourteenth day of February Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S. NAGAMUTHU

and

The Hon`ble Mr Justice N. SESHASAYEE

CRIMINAL MISCELLANEOUS PETITION No.668 of 2017

IN CRL A.27/2017

1 JAYARAMAN
2 RAJAGOPAL

[PETITIONERS]

Vs

STATE BY
INSPECTOR OF POLICE,
KANDLI POLICE STATION,
CR.NO.186 OF 2008

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.27 of 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence dated 22.12.2016 imposed on them by the III Additional District and Sessions Judge, Tirupattur, Vellore District in S.C.NO.270 of 2008 and further enlarge them on bail on such terms and conditions that may be imposed on them by this Court pending Crl.A.No.27 of 2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.27/2017 on the file of the High Court and upon hearing the arguments of M/S V.KARTHIC, SENIOR COUNSEL FOR M/S.KV LAW FIRM, Advocate for the petitioner and of M/S 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 A2 and A3 in Sessions Case No.270 of 2008, on the file of the III Additional District and Sessions Judge, Tirupattur, Vellore District. The first petitioner/second accused has been convicted for offence under Section 302 IPC and sentenced to undergo imprisonment for life and to pay a fine of Rs.5000/-, in default, to undergo simple imprisonment for three months and the second petitioner/third accused has been convicted for offence under Section 302 IPC and sentenced to undergo imprisonment for life and to pay a fine of Rs.5000/-, in default, to

undergo simple imprisonment for three months and for the offence under Section 323 IPC to pay a fine of Rs.500/-, in default, to undergo simple imprisonment for one month. Challenging the said conviction and sentences, they have come up with the 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 out of the seven accused in this case, six of them had sustained injuries in the very same occurrence and in respect of the injuries sustained by the accused, a case was registered in Crime No.190 of 2008, but the same was not investigated properly. Neither the FIR nor the connected records have been filed. There are also other arguable points. In view of the same, we are inclined to suspend the sentence.

4. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are directed to be enlarged on bail on condition that each of them 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.III, Tirupattur, Vellore District, 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/-
14/02/2017

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 JUDICIAL MAGISTRATE,
NO.III, TIRUPATTUR, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
KANDLI POLICE STATION,

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

6 III ADDITIONAL DISTRICT AND
SESSIONS JUDGE, TIRUPATTUR,
VELLORE DISTRICT.

C.C. to M/S.KV LAW FIRM Advocate on payment of necessary
charges Sr.3058

Order

in
CRL MP.668/2017

in
CRL A.27/2017

Date :14/02/2017

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RVR 17/02/2017