

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixth day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice N. AUTHINATHAN

CRIMINAL MISCELLANEOUS PETITION No.7192 of 2017

IN CRL A.307/2017

1 ARJUNAN,
2 PUSHPA @ JAYA,
3 SENTHIL,
4 ANBU,

[PETITIONERS/APPELLANTS/ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SATHIYAMANGALAM POLICE STATION,
VILLUPURAM DISTRICT.
CR.NO.38 OF 2014.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.307 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by judgment dated 31.05.2017 in S.C.No.291 of 2015 on the file of Sessions Judge, Mahalir Neethimandram (Fast Track Court), Villupuram and release the petitioners in bail pending disposal of the above CRL.A.307/2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.307 of 2017 on the file of the High Court and upon hearing the arguments of MR.V.R.APPASWAMEE, Advocate for the petitioner and of Mr.K.MADHAN, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

Heard both sides.

2.The petitioner seeks suspension of sentence pending disposal of the appeal.

3. The petitioner/appellant herein is the first accused in S.C.No.291 of 2015 on the file of the Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Villupuram. He was found guilty of the offence u/s.325 r/w 34 IPC, convicted and sentenced to undergo five years Rigorous Imprisonment and to pay a fine of Rs.5,000/- , in default, to undergo further period of six months.

4. The case of the prosecution is that on the date of occurrence, the accused along with others assaulted the deceased and caused blunt injuries resulting in her death later in the hospital. They were charged for the offence under section 302 IPC r/w 34. However, he was found guilty for the offences as aforesaid.

5. Learned counsel for the petitioner would submit that the accused are neighbours of the victim and they have no intention to cause injuries to the deceased and the trial Court has convicted the accused on insufficient materials and they were on bail during trial and they are prepared to furnish sufficient sureties for their release on bail pending disposal of the appeal and that therefore, he may be granted bail pending appeal by suspending the execution of the sentence.

6. I have perused the grounds of appeal and the judgment of the Trial Court. The petitioner has been convicted under section 325 which is a bailable offence. He has been sentenced to undergo a fixed period of 5 years. There is no fear that he will flee from justice. Having regard to the above facts and circumstances, I am inclined to suspend substantive sentence of imprisonment alone subject to the following conditions.

7. Hence, the sentence of imprisonment imposed on the petitioner by the trial Court alone is hereby suspended till the disposal of the appeal and the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.5,000/- [Rupees Five thousand only] with two sureties each for a likesum to the satisfaction of the learned Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Villupuram within a period of two weeks from the date of this order and on further condition that the petitioner shall report before the trial Court once in a week on every Monday at 10.30 a.m. until further orders.

8. On the failure of the petitioner, to comply with any of the above said conditions, the suspension granted to him shall stand automatically cancelled and the Magistrate concerned shall take necessary steps to secure the petitioner/accused.

-sd/-
06/07/2017

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 SESSIONS JUDGE,
MAGALIR NEETHI MANDARAM
(FAST TRACK MAHILA COURT),
VILLUPURAM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

3 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
SATHIYAMANGALAM POLICE STATION,
VILLUPURAM DISTRICT.

+1 C.C. to M/S.V.R.APPASWAMEE Advocate on payment of necessary
charges-sr.12420

Order

in
CRL MP.7192/2017

in
CRL A.307/2017

Date :06/07/2017

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ths : 07.07.2017