

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Nineteenth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice M. SATHYANARAYANAN

and

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL MISCELLANEOUS PETITION No.7822 of 2017

IN CRL A.344/2017

BALA @ DHANAPAL

[PETITIONER]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
PERUNDURAI POLICE STATION,
ERODE DISTRICT.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.344/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner by order dated 29.09.2016 in S.C.No.18 of 2016 on the file of I Additional District and Sessions Judge, Erode till the enlarge the petitioner on bail disposal of the appeal filed by the petitioner Crl.A.No.344 of 2017 pending on the file of this Honble Court.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.344/2017 on the file of the High Court and upon hearing the arguments of MR.R.C.PAUL KANAGARAJ, Advocate for the petitioner and of MR.R.RAVICHANDRAN, GOVERNMENT ADVOCATE [CRL.SIDE] on behalf of the Respondent the court made the following order:-

[Order of the Court was made by M.SATHYANARAYANAN, J.]

It is vehemently and forcefully submitted by the learned counsel appearing for the petitioner / appellant that the case of the prosecution rests upon circumstantial evidence and in order to link the appellant / accused with the commission of the crime, the prosecution had examined Pws.3 and 4, as the witnesses to the Last Seen Theory coupled with the Extra Judicial Confession Statement, said to have been given over phone by the appellant / accused to PW6, whose submission was also recorded under Section 164 Cr.PC. and he

would further aver that there are very many gaps/holes in the chain of circumstantial evidence projected by the prosecution and since the chain of circumstance is incomplete, the Trial Court ought to have ordered benefit of doubt.

2 However, this petition is strongly opposed by Mr.R.Ravichandran, learned Government Advocate [CrI.Side], who would submit that the prosecution, through the testimonies of the above said witnesses, has proved the case of the prosecution beyond any reasonable doubt and the Trial Court has rightly reached the conclusion and convicted and sentenced the accused accordingly.

3 In response to the same, the learned counsel for the petitioner prays the leave of this Court to withdraw this miscellaneous petition and has also made a prayer that since the appellant / accused is aged about 25 years and the appellant/petitioner is having a dream to serve in Indian Army and that he is also having a bright chance of success in this appeal and prays for earlier hearing of this appeal.

4 In the light of the submission and endorsement made by the learned Counsel appearing for the petitioner, this miscellaneous petition is dismissed as withdrawn.

5 The Registry is directed to call for the records and prepare the typed set of documents and expedite the final disposal of this appeal.

-sd/-
19/12/2017

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 I ADDITIONAL DISTRICT AND
SESSIONS JUDGE, ERODE.

2 THE INSPECTOR OF POLICE,
PERUNDURAI POLICE STATION,
ERODE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

C.C. to M/S.R.C.PAUL KANAGARAJ Advocate on payment of necessary
charges

Order

in
CRL MP.7822/2017

in
CRL A.344/2017

Date :19/12/2017

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

MLT-04/01/2018