

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Nineteenth day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice N. AUTHINATHAN

CRIMINAL MISCELLANEOUS PETITION No.8799 of 2017

IN CRL A.11/2017

SELVARAJ,

[PETITIONER]

Vs

THE DEPUTY SUPERINTENDENT OF [RESPONDENT]
POLICE, PERAMBALUR SUB DIVISION,
MARUVATHUR POLICE STATION,
PERAMBALUR.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.11/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment imposed upon him by the honble principal district and sessions judge, perambalur in special case No.14 of 2015 on 26.10.2016 and enlarge him on bail pending final disposal of the appeal subject to any condition that may be imposed by this honble court Crl.A.No.11 of 2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.11/2017 on the file of the High Court and upon hearing the arguments of M/S.R.RAJAMANI, MR. 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/appellant herein is the accused in Special Sessions Case No.14 of 2015 on the file of the Principal District and Sessions Judge, Perambalur. He was convicted for the offences under Sections 341 and 307 IPC and sentenced to undergo seven years Rigorous Imprisonment and also to pay a fine of Rs.1,000/-, in default, to undergo six months Simple Imprisonment for the offence under Section 307 IPC and sentenced to undergo one month Simple Imprisonment for the offence under

Section 341 IPC. The sentences of imprisonment were ordered to be run concurrently. Aggrieved by the judgment of the Trial Court, he has preferred the above appeal. Pending appeal, the present petition has been filed to suspend the sentence.

3.The learned counsel appearing for the petitioner draws the attention of this Court to the evidence of P.W.1 / de facto complainant, who is the wife of the injured witness / P.W.7 and submitted that there was already a civil dispute pending between the parties and the civil suit ended in favour of the petitioner herein and due to that, a false case has been foisted on him. He would further submit that the injured sustained only one injury and the alleged incident does not attract the offence under Section 307 IPC. He has also pointed out that the petitioner was on bail during trial and therefore, it is a fit case for ordering suspension of sentence.

4.The learned Government Advocate [Criminal Side] appearing for the respondent opposed the petition stating that the prosecution case is supported by the injured witness and his evidence is corroborated by P.W.1 and the medical evidence and that, the petitioner is not entitled to be released on bail at this stage.

5.I have perused the grounds of appeal and the judgment of the Trial Court. It appears that civil dispute is pending between the parties. The victim sustained only one injury, which is grievous in nature. The antecedents of the petitioner are not reported to be bad and he was on bail during trial. The appeal is not likely to be disposed of within a short time. It is also seen that the accused has raised arguable points. He has been in custody since 26.10.2016 and there is no fear that he will flee from justice. The petitioner was sentenced to a fixed period of seven years imprisonment. Taking all these factors into consideration, I am inclined to suspend the sentence of imprisonment alone till the disposal of the appeal and grant bail subject to stringent condition.

6.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 executing a bond for Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate, Perambalur, 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 on the first working day of the English Calender month at 10.30 a.m. until further orders.

-sd/-

19/07/2017

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 JUDICIAL MAGISTRATE,
PERAMBALUR

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF
POLICE, PERAMBALUR SUB DIVISION, MARUVATHUR
POLICE STATION, PERAMBALUR.

5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

6 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
PERAMBALUR

+1 C.C. to M/S.R.RAJAMANI Advocate on payment of necessary charges Sr.No.13491

Order
in
CRL MP.8799/2017
in
CRL A.11/2017

Date :19/07/2017

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

MD: 20/07/2017