

Crl.M.P.No.899 of 2017

in

Crl.A.No.39 of 2017

C.T.SELVAM, J

Petitioners were convicted for offences under Sections 498-A and 306 IPC and sentenced to undergo 3 years R.I. and fine of Rs.2,000/- each i/d 3 months S.I. for offence u/s.498-A IPC and 10 years R.I. and fine of Rs.2,000/- each i/d 6 weeks S.I. for offence u/s.306 IPC by learned Mahila Court, Salem, under judgment dated 12.01.2017 in S.C.No.34 of 2015. Hence, petitioners seek suspension of sentence.

2. Learned counsel for petitioners would submit that the petitioners are presently confined at Central Jail, Coimbatore and there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses.

3. Heard learned Government Advocate (Crl.side) on the submissions made by learned counsel for petitioners.

4. Considering the facts and circumstances of the case and in view of the fact that there are several infirmities in the prosecution case and there are arguable points involved in the appeal, as contended by learned counsel for petitioners, and further the appeal is not likely to be taken up for final

C.T.SELVAM, J.

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hearing in the near future, this Court is of the considered view that the petitioners herein are entitled to the relief of grant of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are directed to be enlarged on bail on condition that each of the petitioners shall execute a bond in a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the Mahila Court, Salem and on further condition that the petitioners shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

13.04.2017

Note to office: Issue today

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