

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixteenth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice R. SURESH KUMAR

CRIMINAL MISCELLANEOUS PETITION No.9245 of 2017

IN CRL RC.984/2017

S.KUMAR

[PETITIONER/ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
CHENNAI. CR.NO.814 OF 2008.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal RC. No.984 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the substantive sentence pending disposal of the above appeal and enlarge the petitioner on bail and pass such and other orders as this Honourable Court may deem fit in the circumstances of the case pending the above Criminal Revision Case against the order of the learned XVI Additional Sessions Judge, Chennai in Cr.A.NO.173 OF 2016 dated 14.07.2017 confirming the conviction and sentence passed in CC 4699 of 2010 dated 27.05.2016 by the learned III Metropolitan Magistrate, George Town, Chennai.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.984 of 2017 on the file of the High Court and upon hearing the arguments of MR.N.RANGANATHAN, Advocate for the petitioner and of MR. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

This petition has been filed to suspend the sentence imposed on the petitioner, by the trial Court, as confirmed by the first appellate Court.

2. The learned counsel appearing for the petitioner would submit that the petitioner is none other than the brother's son of the deceased late Kamala Bai and in order to usurp the property of the said Kamala Bai, the de facto complainants who are the family members of the deceased Kamala Bai's sister have made a false complaint and therefore, it's a fight between the blood relations of the said deceased late Kamala Bai and the said aspect has not been properly appreciated by both the trial Court as well as first appellate Court, and many arguable issues are available in this case and therefore,

same can be considered by this Court.

3. In view of the said submission made by the learned counsel appearing for the petitioner and *prima facie*, some issues are there to be decided in this revision case as projected by the petitioner herein, and the same can be done only during the final hearing of the revision case, this Court at this juncture, is inclined to entertain this petition to suspend the sentence. Accordingly, there shall be an order of suspension of substantive sentence imposed on the petitioner alone, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties for a like sum and further, the petitioner shall appear before the learned III Metropolitan Magistrate, George Town, Chennai, on the first working day of every English calendar month, at 10.30 am until further orders.

-sd/-
16/08/2017

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 METROPOLITAN MAGISTRATE,
NO.III, GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.
[FOR INFORMATION]

3 THE XVI, ADDL. SESSIONS JUDGE,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, CHENNAI.

+1 C.C. to M/S.N.RANGANATHAN Advocate on payment of necessary charges-Sr.15468

Order

in
CRL MP.9245/2017

in
CRL RC.984/2017

Date :16/08/2017

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 18.08.2017