

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Fifth day of September Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

and

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL MISCELLANEOUS PETITION No.10012 of 2018

IN CRL A.438/2018

KALAIMANI

[PETITIONER]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
PERANAMALLUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.
CR.NO.492 OF 2010.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.438/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by judgment dated 07.07.2018 in S.C.No.145 of 2011 on the file of the Learned Additional District Sessions Court, (Fast Corut), Arni, Thiruvannamalai District and release the Petitioner on bail pending disposal of the above CRL A.438/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.438/2018 on the file of the High Court and upon hearing the arguments of M/S.J.C.DURAIRAJ, Advocate for the petitioner and of MR. M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

(Order of the Court was made by **C.T.SELVAM, J**)

Petitioner was convicted for offence u/s.302 IPC and sentenced to undergo Life imprisonment and fine of Rs.10,000/- i/d 6 months S.I. by learned Additional District and Sessions Judge (Fast Track Court), Arni, Tiruvannamalai District, under judgment dated 07.07.2018 in S.C.No.145 of 2011. Hence, petitioner seeks suspension of sentence.

2. Learned counsel for petitioner would submit that the petitioner is confined at Central Prison, Vellore, 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. Learned counsel further submits that the petitioner has paid the fine amount.

3. Heard learned Additional Public Prosecutor on the submissions made by learned counsel for petitioner.

4. Considering the facts and circumstances of the case and in view of the fact that the petitioner has been in custody, that there are several infirmities in the prosecution case and there are arguable points involved in the appeal, as contended by learned counsel for petitioner, and further the appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner 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 Additional District Sessions Court (Fast Court), Arni, Tiruvannamalai District, and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-

25/09/2018

सत्यमेव जयते

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 ADDITIONAL DISTRICT
SESSIONS COURT, (FAST COURT), ARNI,
THIRUVANNAMALAI DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>

2 THE INSPECTOR OF POLICE,
PERANAMALLUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S.J.C.DURAIRAJ Advocate on payment of necessary
charges in SR.NO. 18109

Order

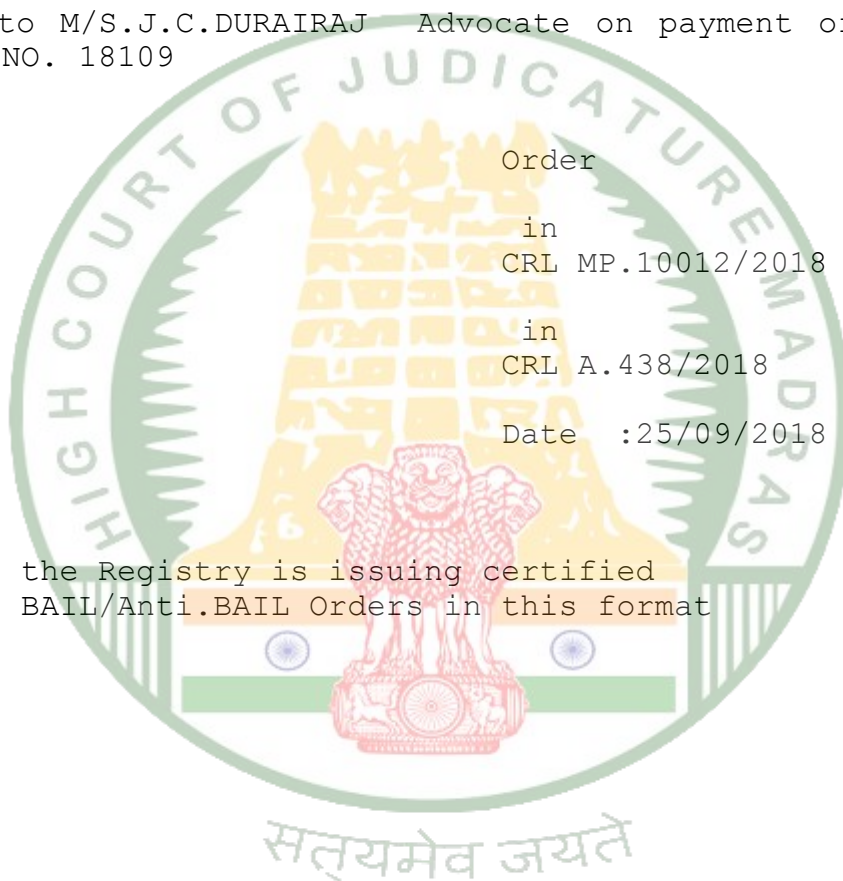
in
CRL MP.10012/2018

in
CRL A.438/2018

Date :25/09/2018

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

MLT-26/09/2018



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