

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Second day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

and

The Hon`ble Mrs Justice S. RAMATHILAGAM

CRIMINAL MISCELLANEOUS PETITION No.10051 of 2018

IN CRL.A.NO.441 of 2018

DILIP @ DILIPKUMAR, [PETITIONER/APPELLANT/ACCUSED-3]

Vs

THE STATE REP BY ITS, [RESPONDENT/COMPLAINANT]
THE INSPECTOR OF POLICE (L & O),
C-3, SEVEN WELLS POLICE STATION,
CHENNAI-600 001.
CR.NO.665 OF 2012.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentence passed by the XVI Additional Sessions Judge, Chennai in S.C.No.283 of 2012 dated 04.01.2017 by convicting the petitioner and sentenced him to undergo imprisonment for life and imposing a fine of Rs.10,000/- in default to undergo 6 months simple imprisonment for the alleged offence under Sec.302 and r/w.34 IPC till disposal of the above Crl.A.NO.441/2018.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.K.KANNAN, Advocate for the petitioner, and of MR. K.PRABAKAR, 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/A3 was convicted for offence u/s.341, 302 r/w 34 IPC and sentenced to undergo Life Imprisonment and fine of Rs.10,000/- i/d 6 months S.I for offence u/s 302 r/w 34 IPC and fine of Rs.500/- i/d one week S.I for offence u/s 341 IPC by learned XVI Additional Sessions Judge, Chennai, under judgment dated 04.01.2017 in S.C.No.283 of 2012. Hence, petitioner seeks suspension of sentence.

2. Learned counsel for petitioner would submit that the petitioner is confined at Central Prison, Puzhal, Chennai 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 submits that the fine amount has not been paid by the petitioner.

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 learned VIII Metropolitan Magistrate, G.T Court, Chennai, 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/-
22/11/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

WEB COPY

TO

1 THE XVI ADDITIONAL SESSIONS,
JUDGE, CHENNAI.

2 THE METROPOLITAN MAGISTRATE,
NO.VIII, G.T Court, Chennai,

3 THE CHIEF METROPOLITAN MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
EGMORE, CHENNAI. [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

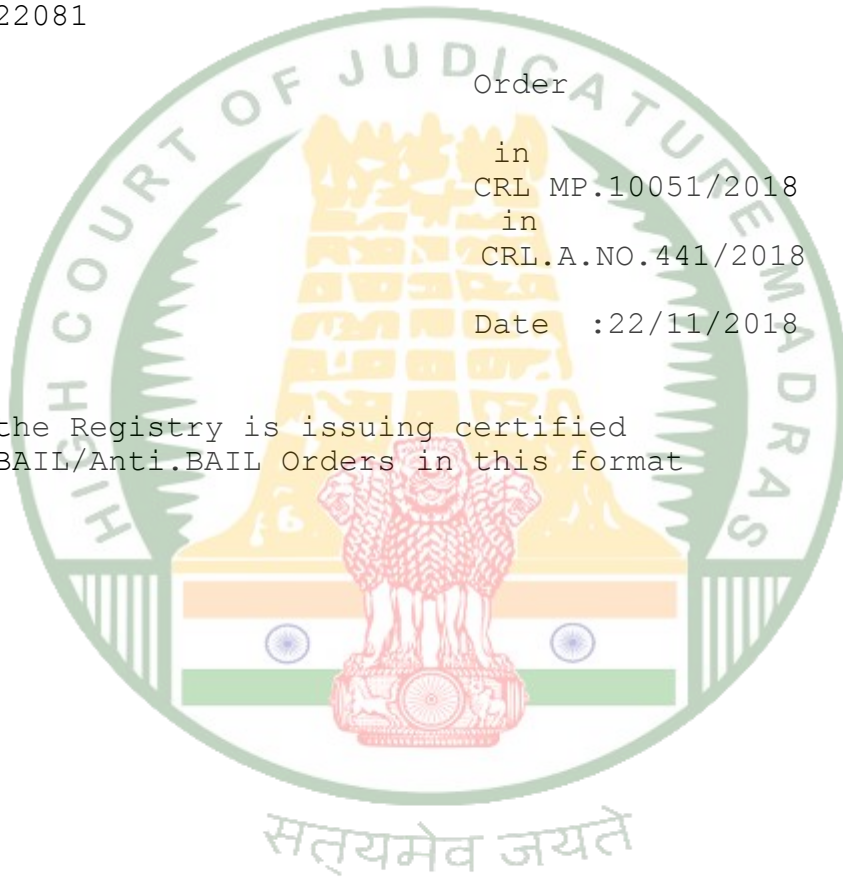
6 THE INSPECTOR OF POLICE (L & O),
C-3 SEVEN WELLS POLICE STATION,
CHENNAI.

+1 C.C. to M/S.K.KANNAN Advocate on payment of necessary
charges SR.NO.22081

Order
in
CRL MP.10051/2018
in
CRL.A.NO.441/2018
Date :22/11/2018

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TA-23/11/2018



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