

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twentieth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION No.10093 of 2018

IN CRL.R.C.NO.842 of 2018

1 SATHISH @ SATHISHKUMAR, [PETITIONERS/APPELLANTS/ACCUSED]
2 SAKTHIVEL,
3 KAVERI,
4 RAMA,

Vs

THE STATE, REPRESENTED BY [RESPONDENT/COMPLAINANT]
THE INSPECTOR OF POLICE,
ORATHUR POLICE STATION,
CUDDALORE DISTRICT.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to SUSPEND THE SENTENCE imposed in C.A.No. 63 of 2014 dated 6.7.2007 on the file of II Additional Sessions Judge, Chidambaram and confirming the conviction and sentence imposed in S.C.No. 136 of 2013 dated 01.12.2014 on the file of Asst.Sessions Judge, Chidambaram and ENLARGE THE PETITIONERS ON BAIL pending disposal of the above Crl.R.C.No. 842 of 2018 on the file of this Hon'ble court.

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.R.SANKARASUBBU, Advocate for the petitioners, and of PUBLIC PROSECUTOR on behalf of the Respondent, the court made the following order:-

The petitioners are arrayed as A1 to A4, in S.A.No.136 of 2013 136 of 2013 on the file of the Assistant Sessions Judge, Chidambaram, Cuddalore District. By judgment dated 01.12.2014, the first petitioner/A1 has been convicted under Section 294(b) and 307 IPC and imposed fine of Rs.250/-, in default, to undergo rigorous imprisonment for three months for the offence under Section 294(b) IPC and sentenced to undergo seven years rigorous imprisonment and to pay a fine of Rs.1000/-, in default, to undergo rigorous imprisonment for six months for the offence under Section 307 IPC; and the petitioners 2 to 4 have been convicted under Sections 341, 307 r/w.34 IPC and they were imposed fine of Rs.250/- each, in default, each of

them to undergo three months rigorous imprisonment for the offence under Section 341 IPC; sentenced to undergo seven years rigorous imprisonment each and to pay a fine of Rs.1000/- each, in default, each of them to undergo six months rigorous imprisonment for the offence under Section 307 r/w 34 IPC. Challenging the same, they have filed an Appeal in C.A.No.63 of 2014 and the same was dismissed by the learned Additional District and Sessions Judge, Chidambaram, Cuddalore District by judgment dated 06.07.2018. Challenging the same, the petitioner is before this Court with Crl.R.C.No.842 of 2018. Pending disposal of the revision, the petitioners have come forward with this petition seeking suspension of substantive sentence of imprisonment.

2. I have heard the learned counsel for the petitioners as well as the learned Government Advocate (Criminal side) and also perused the records carefully.

3. The learned Government Advocate (Criminal side) made submission in support of the judgment of the trial Court.

4. It is submitted by the learned counsel for the petitioners that two of the petitioners are women and one of them is in family way and that they would not abscond. He further submitted that they are nothing to do with the alleged occurrence. A simple assault has been projected as an elevated offence under Section 307 IPC.

5. The respondent police filed charge sheet alleging that on 13.04.2012, in connection with playing cricket, there was a wordy quarrel arose between the accused and Kodikaruppan-PW.1 and thereafter, on the same day, at about 08.00 p.m., when the Kodikaruppan was on the way to Chennai, at that time, with common intention, all the four accused have wrongfully restrained PW.1 and assaulted him by knife and caused injury on the left side chest and left side neck and thereby committed offence under Section 294(b), 307, 341 and 307r/w 34 IPC.

6. After perusing the evidence of PW.9-doctor, Ex.P.5-wound certificate and taking note of the evidence of PW.1 and the material contradictions as pointed out by the learned counsel, I am inclined to suspend the substantive sentence of imprisonment pending disposal of the revision.

7. Accordingly, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioners alone is suspended and the petitioners are directed to be enlarged on bail, on the following conditions:

The petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Chidambaram and on further condition that the petitioners shall report before the concerned Court on the first working day of every English calendar month at 10.30 a.m., until further orders.

-sd/-
20/11/2018

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 II ADDITIONAL SESSIONS JUDGE,
CHIDAMBARAM.

2 THE ASST. SESSIONS JUDGE,
CHIDAMBARAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ORATHUR POLICE STATION,
CUDDALORE DISTRICT.

C.C. to M/S.R.SANKARASUBBU Advocate on payment of necessary charges

Order

in
CRL MP.10093/2018
in
CRL.R.C.NO.842/2018

Date :20/11/2018

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

TA-12/12/2018