

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Eighteenth 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.10353 of 2018

IN CRL A.264/2018

1 THANGA @ THANGARAJ [PETITIONERS / ACCUSED]
2 KRISHNAN @ KRISHNAMURTHY

Vs

THE INSPECTOR OF POLICE, [RESPONDENT]
B-5, SINGANALLUR POLICE STATION,
SINGANALLUR, COIMBATORE.
CR.NO.3031/2017.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.264/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence passed against the petitioner/accused No.1&2 in SC.No.185/2012 on the file of 4th Additional District Sessions Judge, Coimbatore enlarging the bail pending disposal of the CRL A.264/2018 [IN CRL.MP.NO.10353 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.264/2018 on the file of the High Court and upon hearing the arguments of M/S.C.DEIVASIGAMANI, 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**]

Learned counsel for petitioners seeks permission of this Court to withdraw the present petition regards first petitioner/A1 and has also made an endorsement to that effect.

2. Recording the said endorsement, this petitioner is dismissed as withdrawn regards first petitioner/A1.

3. Second petitioner/A2 along with four others faced trial in S.C.No.185 of 2012 on the file of learned IV Additional District and Sessions Judge, Coimbatore. Under judgment dated 05.02.2018, second petitioner/A2 was convicted for offence u/s.307 IPC and sentenced to

7 years R.I. and fine of Rs.10,000/- i/d 2 months S.I. Seeking suspension of sentence, second petitioners has moved the present petition.

4. Learned counsel for petitioners submits that the second petitioner/A2 is confined at Central Prison, Coimbatore and there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in material particulars in the evidence of the prosecution witnesses.

5. Relying on the counter filed by respondent, learned Additional Public Prosecutor strongly objected to grant of suspension of sentence.

6. Considering the facts and circumstances of the case as also the fact that it is not possible for the Court to take the Criminal Appeal in the near future and the submissions of learned counsel on either side, we are of the considered view that it is a fit case to grant the relief of suspension of sentence to second petitioner/A2 herein.

Accordingly, the substantive sentence of imprisonment alone is suspended and second petitioner/A2 is directed to be enlarged on bail on condition that the second petitioner/A2 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 learned IV Additional District Judge, Coimbatore and on further condition that the second petitioner/A2 shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-
18/09/2018

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 IV ADDITIONAL DISTRICT
AND SESSIONS JUDGE, COIMBATORE.

2 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
B-5, SINGANALLUR POLICE STATION,
SINGANALLUR, COIMBATORE.

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

Order

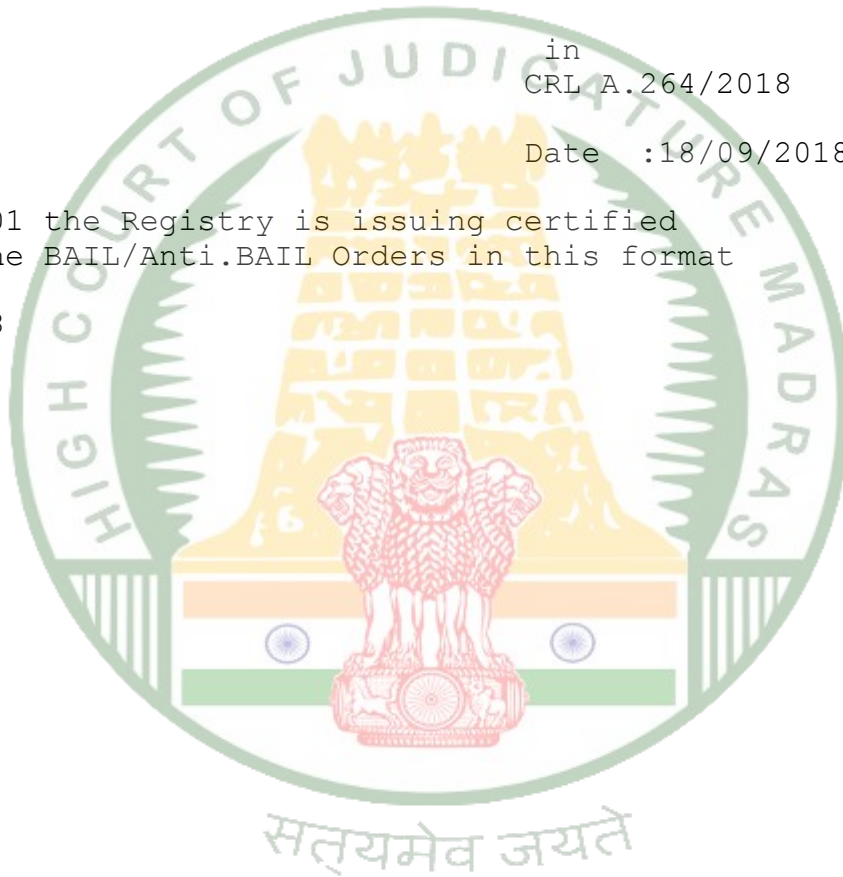
in
CRL MP.10353/2018

in
CRL A.264/2018

Date :18/09/2018

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MK:18/09/2018



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