

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Tenth day of October 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.12128 of 2018

IN CRL A.554/2018

1 GUNDUVIJI @ VIJAYAKUMAR, [PETITIONERS]
2 ABHISHEK
3 MARI @ SIVAKUMAR

Vs

THE STATE REP. BY [RESPONDENT]
INSPECTOR OF POLICE,
R-8, VADAPALANI POLICE STATION,
CHENNAI-600 028.
CR.NO. 821 OF 2016

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.554/2018 on the file of the High Court, the High Court will be pleased to suspend the punishment of life imprisonment imposed on the petitioners passed by the Learned VII Additional Sessions Court, Chennai in S.C.No. 273 of 2016 dated 10.08.2018 and pas such other or further orders. [CRL.MP.NO.12128/2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.554/2018 on the file of the High Court and upon hearing the arguments of M/S.A.B.FATHIMA SULTHANA Advocate for the petitioner and of MR.R.PRATHAP KUMAR 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**)

Petitioners were convicted for offence u/s.341 and 302 r/w 34 IPC and sentenced to undergo Life imprisonment and fine of Rs.10,000/- (each) i/d 6 months S.I for offence u/s.302 r/w 34 IPC and to pay a fine of Rs.500/- (each) i/d one week S.I for offence u/s 341 IPC by learned VII Additional Sessions Judge, Chennai, under judgment dated 10.08.2018 in S.C.No.273 of 2016. Hence, petitioners seek suspension of sentence.

2. Learned counsel for petitioners would submit that the petitioners are 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.

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

4. Considering the facts and circumstances of the case and in view of the fact that the petitioners have 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 petitioners, 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 petitioners herein are entitled to the relief of grant of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are directed to be enlarged on bail on condition that each of 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 XVII Metropolitan Magistrate Court, Saidapet, Chennai-15, and on further condition that the petitioners shall appear before the said Court on the first working day of every month at 10.30.a.m. pending appeal.

-sd/-

10/10/2018

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 METROPOLITAN MAGISTRATE,
COURT, NO. XVII, SAIDAPET, CHENNAI-15.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE [FOR INFORMATION]

3 THE VII ADDITIONAL SESSIONS
JUDGE, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

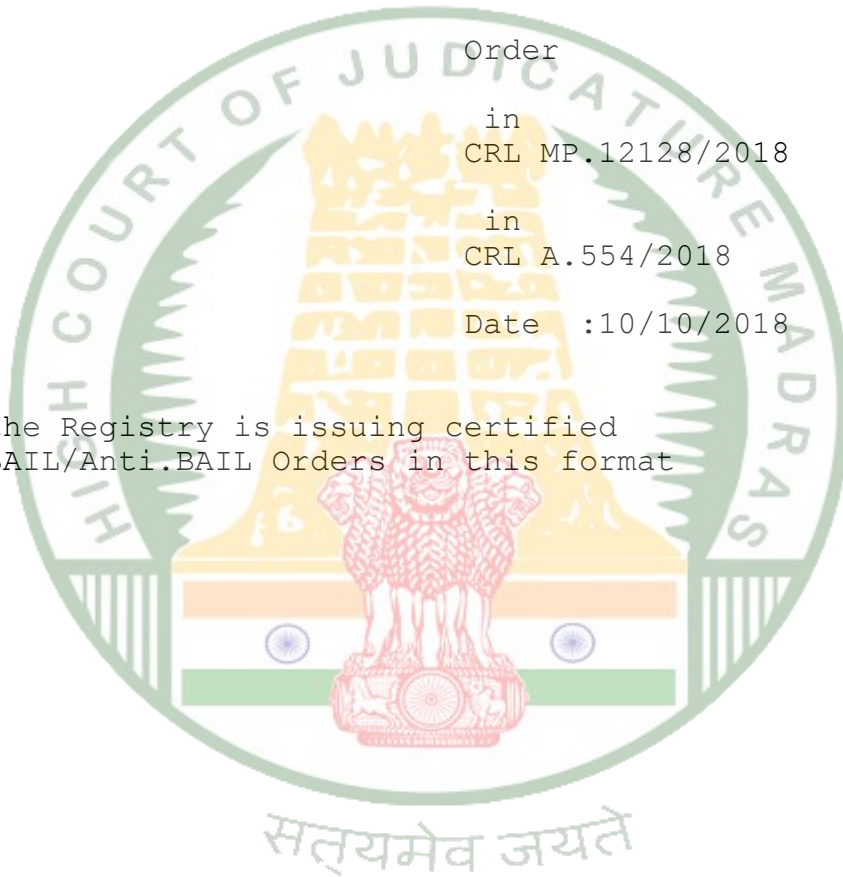
5 THE INSPECTOR OF POLICE,
R-8, VADAPALANI POLICE STATION,
CHENNAI-600 028.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

+3 C.C. to M/S.A.B.FATHIMA SULTHANA Advocate on payment of
necessary charges SR.NO. 19056

Order
in
CRL MP.12128/2018
in
CRL A.554/2018
Date :10/10/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 11/10/2018



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