

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Third day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION No.10982 of 2018

IN CRL RC.949/2018

C.KUPPUSAMY

[PETITIONER]

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
SENDHAMANGALAM POLICE STATION,
NAMAKKAL DISTRICT.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.949 of 2018 on the file of the High Court, the High Court will be pleased to suspension of sentence imposed in C.C.No.17 of 2012 dated 13.03.2017 passed by Judicial Magistrate-II, Namakkal and the confirmed in C.A.No.15/2017 dated 02.07.2018 by the Principal Sessions Court, Namakkal.[CRL.M.P.No.10982 of 2018].

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.949 of 2018 on the file of the High Court and upon hearing the arguments of M/S.T.FENN WALTER ASSOCIATES, Advocate for the petitioner and of MR. M/S.S.THANKIRA GOVERNMENT ADVOCATE on behalf of the Respondent the court made the following order:-

Petitioner was convicted for offence u/s.304(A) IPC and sentenced to undergo Simple Imprisonment for two years and also to pay a fine of Rs.5,000/- i/d SI for 3 months by the learned Judicial Magistrate No.II, Namakkal in C.C.No.17/2012 dated 13.03.2017. There against, petitioner preferred C.A.No.15 of 2017 on the file of learned Principal Sessions Judge, Namakkal, which came to be dismissed under judgment dated 22.06.2018. Hence, this revision.

2.Learned counsel submits that there are several infirmities and inconsistencies found in the prosecution case and 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 petitioner.

4. Considering the facts and circumstances of the case and in view of the fact 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 for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Namakkal, 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/-
23/08/2018

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 JUDICIAL MAGISTRATE - II
NAMAKKAL

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE PRINCIPAL SESSIONS COURT
NAMAKKAL

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

सत्यमेव जयते
WEB COPY

5 THE INSPECTOR OF POLICE,
SENDHAMANGALAM POLICE STATION,
NAMAKKAL DISTRICT.

C.C. to M/S.T.FENN WALTER ASSOCIATES Advocate on payment of
necessary charges

Order

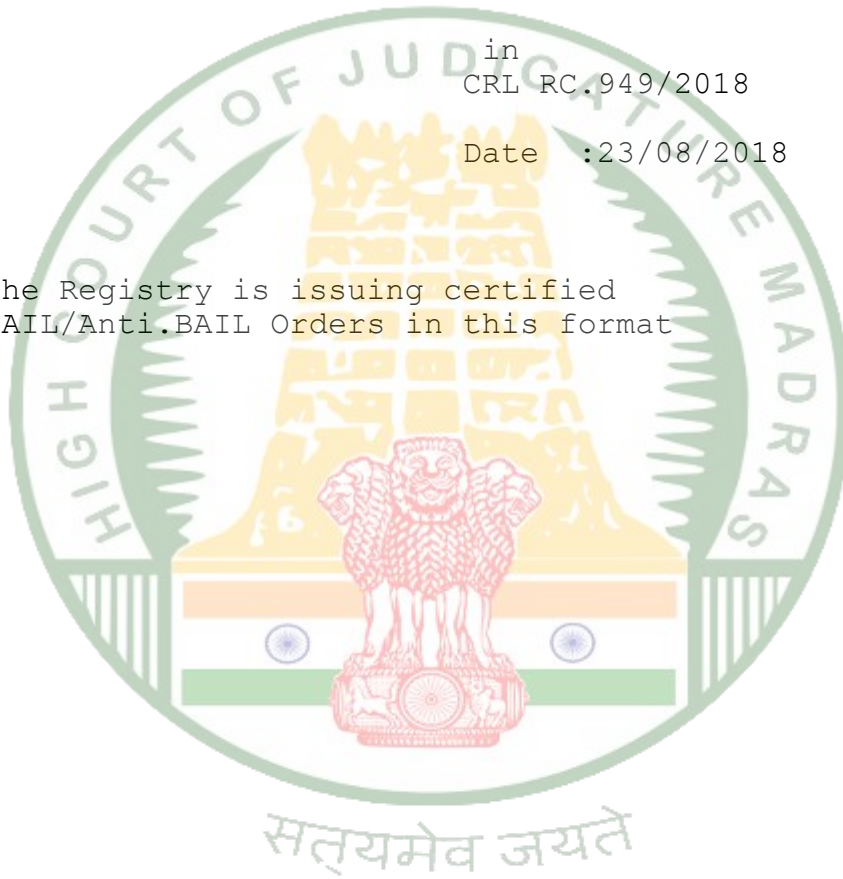
in
CRL MP.10982/2018

in
CRL RC.949/2018

Date :23/08/2018

From 7.2.2001 the Registry is issuing certified
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cm 31/08/2018



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