

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Eighth day of August 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.11177 of 2018

IN CRL A.422/2018

MANIKAM

[PETITIONER]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
VEERANAM POLICE STATION,
SALEM TALUK AND DISTRICT.
CR.NO.538 OF 2003.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.422/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on him by the Learned I Additional District and Sessions Judge, Salem, dated 12.04.2018 made in S.C.No.34 of 2005 and enlarge the petitioner on bail pending disposal of the Criminal Appeal No.422/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.422/2018 on the file of the High Court and upon hearing the arguments of M/S.P.JAGADEESAN Advocate for the petitioner and of MR.R.PRATHAP KUMAR Addl.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/A18 along with others faced trial in S.C.No.34 of 2005 on the file of I Additional District and Sessions Judge, Salem. Under judgment dated 12.04.2018, petitioner/A2 was convicted for offences u/s.148 and 302 IPC and sentenced to 6 months R.I. for offence u/s.148 IPC and life imprisonment and fine of Rs.5,000/- i/d 6 months S.I. for offence u/s.302 IPC. The trial Court ordered that sentences run concurrently. Seeking suspension of sentence passed against him, petitioner has moved the present petition.

2. Learned counsel for petitioner would submit that the petitioner 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 the material particulars between the evidence of the prosecution witnesses. Learned counsel further would submit that petitioner has paid the fine amount.

3. Learned counsel for petitioner/A18 would submit that the overtact attributed to this petitioner/A18, as spoken to by PW-6 and PW-9, mother and sister of deceased Kuppusamy in the case, is that he was party to such deceased being pulled out from the house. Trial Court has acquitted petitioner/A18 of offence u/s.302 r/w 149 IPC. However, it has convicted him for offence u/s.148 and 302 IPC simpliciter. It is the contention of learned counsel for petitioner that there is no specific evidence on record as would inform attraction of offence punishable u/s.302 IPC insofar as the petitioner/A18 is concerned.

4. Heard learned Additional Public Prosecutor on the submissions made by learned counsel for petitioner.

5. 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 petitioner herein.

Accordingly, the substantive sentence of imprisonment alone is suspended and 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 learned Judicial Magistrate IV, Salem 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/-
28/08/2018

सत्यमेव जयते

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

WEB COPY
TRUE COPY

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

TO

1 THE I ADDITIONAL DISTRICT
<https://hcservices.ecourts.gov.in/hcservices/>
AND SESSION JUDGE, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM[FOR INFORMATION]

3 THE JUDICIAL MAGISTRATE,
NO.IV, SALEM

4 THE INSPECTOR OF POLICE,
VEERANAM POLICE STATION,
SALEM TALUK AND DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

+1 C.C. to M/S.P.JAGADEESAN Advocate on payment of necessary
charges SR.NO. 16114

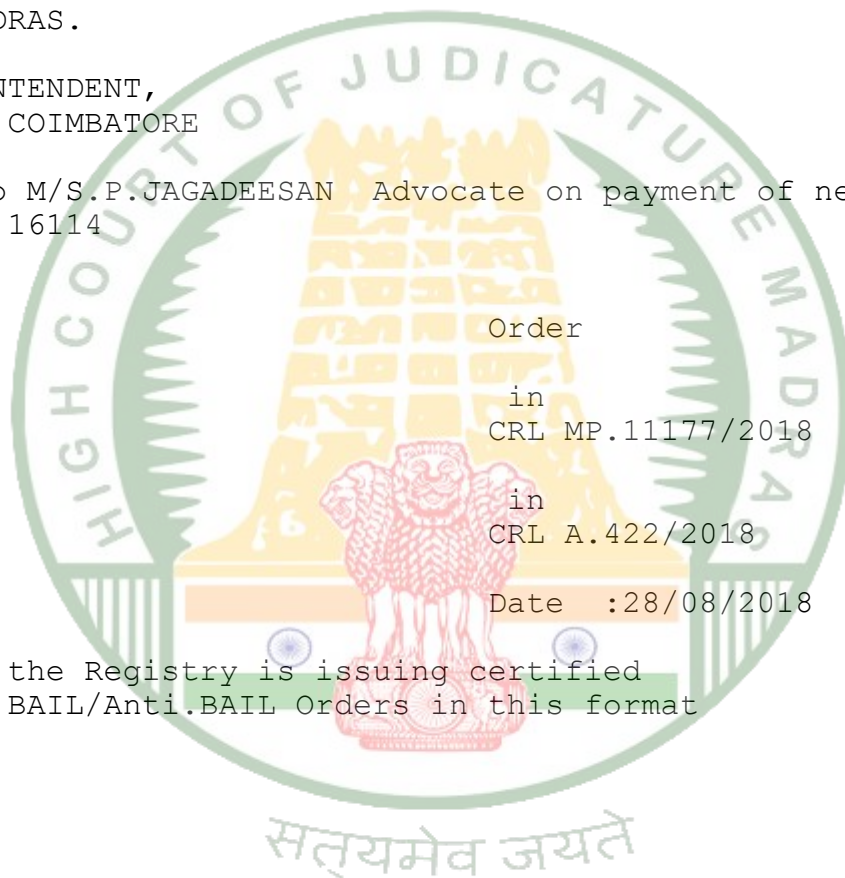
Order

in
CRL MP.11177/2018

in
CRL A.422/2018

Date :28/08/2018

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copies of the BAIL/Anti.BAIL Orders in this format
RD 29/08/2018



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