

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.11198 of 2018

IN CRL A.510/2018

1 K.MALLIGESWARI [PETITIONERS / APPELLANTS / ACUSED]
2 K.SENTHIL KUMAR
3 SATHIYAVANI
4 YUVARAJ
5 MANICKKAM
6 THANGAM
7 M.GOMATHI

Vs

THE STATE REP. BY [RESPONDENT]
THE INSEPCTOR OF POLICE,
THALAIVASAL POLICE STATION,
SALEM DISTRICT.
CR.NO. 445 OF 2015.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.510/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence passed by the learned III Additional Sessions Judge, Salem in S.C.No.267 of 2016 dated 13.07.2018 and enlarge the petitioners on bail, pending disposal of the above CRL A.510/2018 [IN CRL.MP.NO.11198 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.510/2018 on the file of the High Court and upon hearing the arguments of M/S.T.SHANMUGA BOOPATHI, 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**]

Petitioners/A1 to A7 faced trial in S.C.No.267 of 2016 on the file of learned III Additional Sessions Judge, Salem. Under judgment dated 13.07.2018, petitioners/A1 to A7 were convicted for offences u/s.148, 447 and 302 IPC and sentenced to 3 years R.I. and fine of Rs.1,000/- each i/d 3 months R.I. for offence u/s.148 IPC, 3 months R.I. and fine of Rs.500/- each for offence u/s.447 IPC and life

imprisonment and fine of Rs.1,000/- each i/d 6 months R.I. for offence u/s.302 IPC. Trial Court directed that sentences run concurrently. Seeking suspension of sentence, petitioners have moved the present petition.

2. Learned counsel for petitioners submits that the petitioners are 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. Learned counsel further would submit that petitioners have not paid the fine amount.

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

4. 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 petitioners herein.

Accordingly, the substantive sentence of imprisonment alone is suspended and petitioners are directed to be enlarged on bail on condition that each of the petitioners 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 II, Attur 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/-
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 III ADDITIONAL SESSIONS
JUDGE, SALEM.

2 THE JUDICIAL MAGISTRATE,
NO.2, ATTUR.

3 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

<https://hcservices.ecourts.gov.in/hcservices/>

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSEPCTOR OF POLICE,
THALAIVASAL POLICE STATION,
SALEM DISTRICT.

+2C.C. to M/S.T.SHANMUGA BOOPATHI Advocate on payment of
necessary charges SR NO.17639

Order

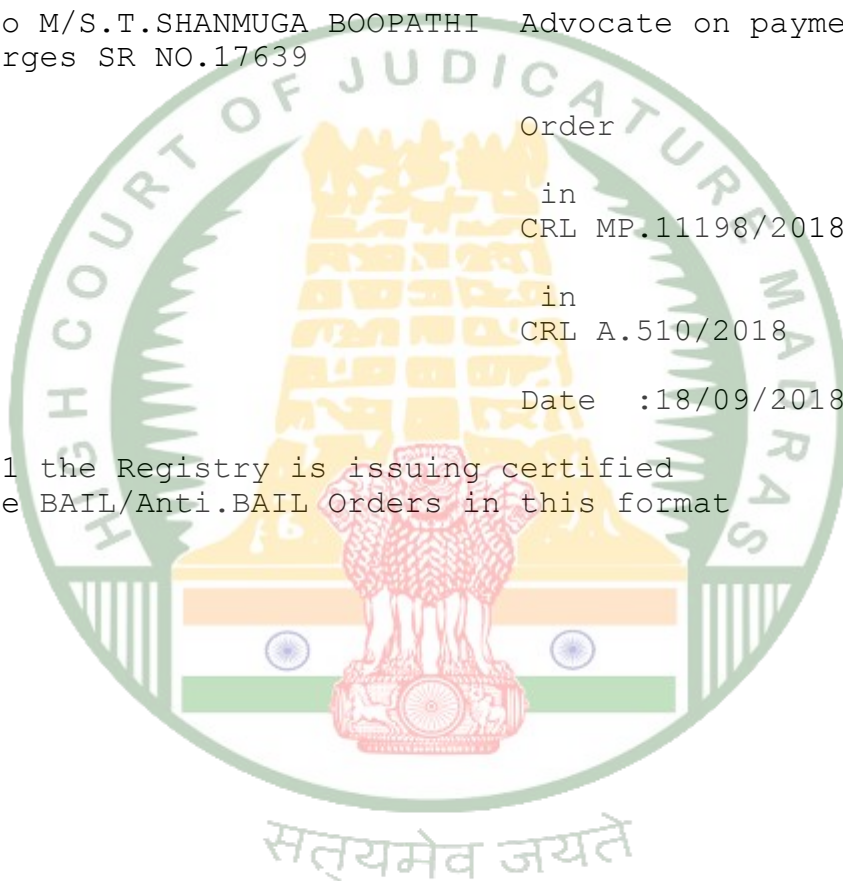
in
CRL MP.11198/2018

in
CRL A.510/2018

Date :18/09/2018

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MK:19/09/2018



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