

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.11278 of 2018

IN CRL A.515/2018

MAYANDI

[APPELLANT / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

INSPECTOR OF POLICE,
D1, TIRUTTANI POLICE STATION,
CR.NO. 31 OF 2015.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.515/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in S.C.No. 237 of 2016 on the file of the I Additional District and sessions Judge, Thiruvallur on 23.1.2017 and enlarge him on bail pending disposal of C.A.No. 515 of 2018 on the file of this Honble court.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.515/2018 on the file of the High Court and upon hearing the arguments of M/S.SUNDER MOHAN, 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**]

Petitioner faced trial in S.C.No.237 of 2016 on the file of learned I Additional District and Sessions Judge, Thiruvallur. Under judgment dated 23.01.2018, petitioner was convicted for offences u/s.364 and 302 IPC and sentenced to 10 years R.I. and fine of Rs.5,000/- i/d 2 months R.I. for offence u/s.364 IPC and life imprisonment and fine of Rs.5,000/- i/d 2 months R.I. for offence u/s.302 IPC. Trial Court directed that sentences run concurrently. Seeking suspension of sentence, petitioner has moved the present petition.

2. Learned counsel for petitioner submits that the petitioner is confined at Central Prison, Puzhal, Chennai and there are several 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 petitioner has 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 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, Thiruthani 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/-
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 JUDICIAL MAGISTRATE,
THIRUTHANI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
D1, TIRUTTANI POLICE STATION.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAI, CHENNAI.

6 THE I ADDITIONAL DISTRICT
AND SESSIONS JUDGE,
THIRUVALLUR.

+1C.C. to M/S.SUNDER MOHAN Advocate on payment of necessary
charges IN SR.NO. 17669

Order

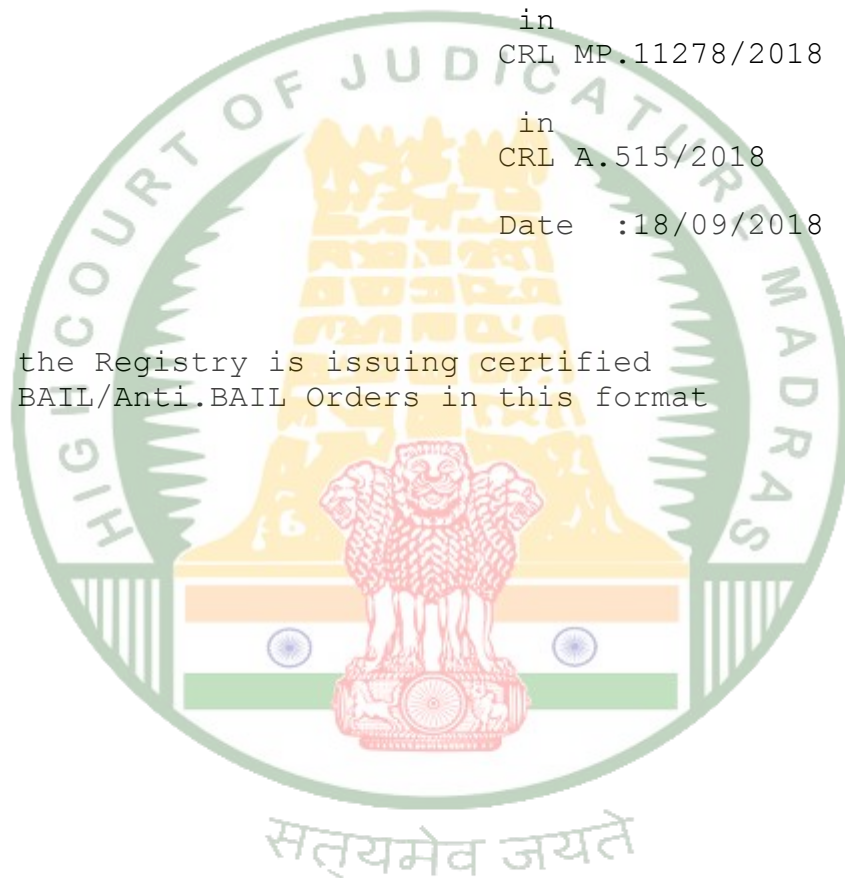
in
CRL MP.11278/2018

in
CRL A.515/2018

Date :18/09/2018

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MLT-18/09/2018



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