

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fifth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V. MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.15134 of 2017

IN CRL RC.1528/2017

PAUL RAJ

[PETITIONER]

Vs

THE INSPECTOR OF POLICE

[RESPONDENT]

R-10 MGR NAGAR L&O POLICE STATION,
CHENNAI

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.RC.No.1528/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the Executive Magistrate cum Deputy Commissioner of police, Thiyagaraya Range, Chennai in MP.No.2 of 2017 in RC.No.198/SEC PRO/DC T.NAGAR/2017 dated 16.10.2017 pending disposal of the Crl RC.1528/2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.1528/2017 on the file of the High Court and upon hearing the arguments of M/S.V.SUKUMAR, Advocate for the petitioner and of MR. HARIHARA ARUN SOMASUNDHER, Government Advocate (crl.side) on behalf of the Respondent the court made the following order:-

The petitioner has executed a bond under section 107 Cr.P.C on 23.09.2017 and has breached the condition of bond and committed an offence punishable under sections 341, 294(b), 336, 392 r/w 397, 506(ii) IPC. The case was registered in Crime No.1708 of 2017 on the file of R10 Police Station, M.G.R.Nagar, Chennai and he was remanded to judicial custody on 26.09.2017. Hence, the petitioner seeks suspension of sentence.

2. Learned counsel for the petitioner would submit that the petitioner is in custody 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. I heard Mr.V.Sugumar, learned counsel for the petitioner and Mr.Harihara Arun Soma Sankar, learned Government Advocate and perused the records.

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 revision, as contended by the learned counsel for the petitioner, and further the revision 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 Metropolitan Magistrate, Saidapet 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 revision.

-sd/-

05/02/2018

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,
SAIDAPET, CHENNAI

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, II, PUZHAL, CHENNAI

5 THE INSPECTOR OF POLICE
R-10 MGR NAGAR L&O POLICE STATION, CHENNAI

C.C. to M/S.V.SUKUMAR Advocate on payment of necessary
charges

Order
in
CRL MP.15134/2017
in
CRL RC.1528/2017

Date :05/02/2018

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MD: 05/02/2018