

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fourteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

and

The Hon`ble Mrs Justice S. RAMATHILAGAM

CRIMINAL MISCELLANEOUS PETITION No.1824 of 2018

in CRL.A.NO.79/2018

1 VIJI @ VIJAYAKUMAR,
2 APPANRAJ,

[PETITIONERS/APPELLANTS]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
B2, ESPLANADE POLICE STATION,
CHENNAI-600 104.
CR.NO.705 OF 2013.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.79 OF 2018 on the file of the High Court, the High Court will be pleased to Suspend the sentence and the fine imposed on the petitioners/appellants in S.C.No.402/2013 on 22.12.2017 by the VI Addl. Sessions Judge, Chennai pending disposal of the CRL.A.NO.79/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.79 of 2018 on the file of the High Court and upon hearing the arguments of MR. PRABHAKARAN, SENIOR COUNSEL FOR M/S.K.BALAKRISHNAN, Advocate for the petitioner and of MR. K.PRABAKAR, 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**]

Petitioners faced trial in S.C.No.402 of 2013 on the file of learned VI Additional Sessions Judge, Chennai. Trial Court, under judgment dated 22.12.2017, convicted petitioners for an offence u/s.302 read with 34 IPC and sentenced them to undergo life imprisonment each and imposed a fine of Rs.1,000/- each i/d to undergo one year rigorous imprisonment. Seeking suspension of sentence, petitioners have moved the present petition.

2. Learned counsel for petitioners submits that the petitioners are confined at Central Prison, Puzhal, Chennai, 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.

3. Heard learned Additional Public Prosecutor on the above submissions.

4. Considering the facts and circumstances of the case and also considering the fact that the deceased died so many days after the occurrence and after having been discharged from the hospital 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.

5. 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 VII Metropolitan Magistrate, George Town, Chennai, 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/-

14/11/2018

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,
NO.VII, GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.
[FOR INFORMATION]

3 THE VI, ADDL. SESSIONS JUDGE,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

6 THE INSPECTOR OF POLICE,
B2, ESPLANADE POLICE STATION,
CHENNAI-600 104.

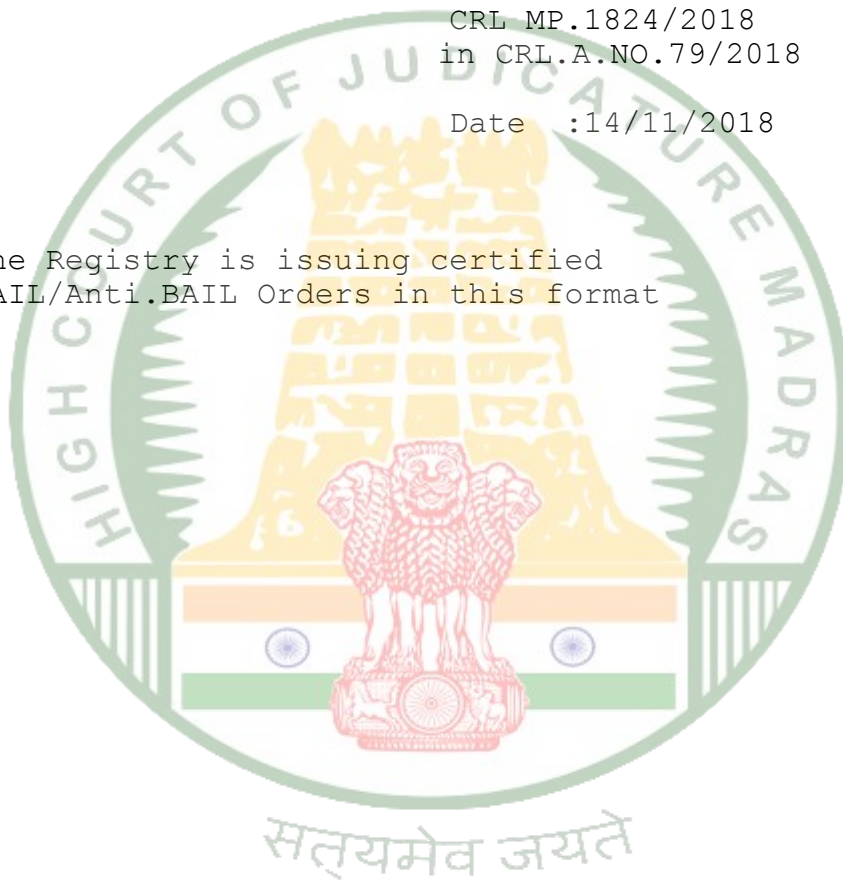
+1 C.C. to M/S.K.BALAKRISHNAN Advocate on payment of necessary
charges-Sr.21354

Order

in
CRL MP.1824/2018
in CRL.A.NO.79/2018

Date :14/11/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 15.11.2018



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