

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V. MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.16451 of 2017

IN CRL A.800/2017

ABDUL MUTHALIP

[APPELLANT/ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPUR DISTRICT.
CR.NO.1033 OF 2015.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.800 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence passed by Learned Mahalir Neethimandram (Fast Track Mahila Court, Tiruppur in Sessions Cases No.108 of 2016 on 30.11.2017 pending C.A.No.800 of 2017 on the file of this Hon'ble Court.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.800 of 2017 on the file of the High Court and upon hearing the arguments of M/S.S.N.ARUNKUMAR, Advocate for the petitioner and of Mrs.T.P.SAVITHA, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

Petitioner faced trial in S.C.No.108 of 2016 on the file of the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Tiruppur. Trial Court under Judgment dated 30.11.2017 convicted the petitioner for an offence under Section 307 of I.P.C., and sentenced to undergo Rigorous Imprisonment for a period of seven years and a fine of Rs.5000/- and in default of payment of fine, to undergo further Rigorous Imprisonment for a period of one year. Hence, this miscellaneous petition has been filed seeking suspension of sentence.

2 Learned counsel for the petitioner would submit that there are several infirmities and inconsistencies in the prosecution case. He would further submit that the petitioner is now confined in Central Prison, Coimbatore.

3 The learned Govt. Advocate (Crl.side), by filing counter, would strongly object for granting bail to the petitioner.

4 Taking into consideration the submissions of learned counsel for the petitioner and that the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein may be granted the relief 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 in a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Palladam and on further condition that the petitioner is directed to appear before the respondent police daily for a period of one month at 10.00 a.m. and thereafter, once in a month i.e. on the first working day of every month at 10.00 a.m, pending appeal.

-sd/-
28/03/2018

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,
PALLADAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM (FAST TRACK MAHILA
COURT), TIRUPPUR.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPUR DISTRICT.

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

Order

in
CRL MP.16451/2017

in
CRL A.800/2017

Date :28/03/2018

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