

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Sixth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

and

The Hon`ble Mr Justice N.SATHISH KUMAR

CRIMINAL MISCELLANEOUS PETITION No.16593 of 2017

IN CRL A.807/2017

BABBLU @ MUHAMMED HUSSAIN

[PETITIONER]

Vs

THE STATE BY
INSPECTOR OF POLICE,
B-1, TOWN POLICE STATION,
SALEM CITY.
CRIME NO.309 OF 2014.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No. on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment imposed in the Judgement dated 08.12.2017 passed in SC NO.273/2015 on the file of III Additional Sessions Judge, Salem and enlarge the petitioner on Bail pending disposal of the above Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No. on the file of the High Court and upon hearing the arguments of M/S.R.NALLIYAPPAN, Advocate for the petitioner and of MR.V.ARUL 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, arrayed as A7 out of 7 accused, faced trial in S.C.No.273 of 2015 on the file of learned Judge, District Mahila Court, Cuddalore. The trial Court, under judgment dated 08.12.2007, convicted the petitioner as follows :

Rank of the accused	Conviction under section	Sentence awarded
A7	302 r/w.149 IPC	The accused to undergo imprisonment for life and to pay fine of Rs.1000/- with a default sentence of 6 months simple imprisonment
A7	147	The accused to undergo 2 years rigorous imprisonment

The sentences were ordered to run concurrently. Challenging the conviction and sentence, the petitioners have preferred the above appeal and this miscellaneous petition has been filed seeking suspension of sentence, pending appeal.

2. Learned counsel for petitioners would submit that there are several infirmities and inconsistencies in the prosecution case. Learned counsel further informs that petitioners are now confined at Prison, Coimbatore from the date of conviction.

3. Heard learned Additional Public Prosecutor on the submissions made by learned counsel for petitioner.

4. Taking into consideration the submissions of learned counsel for petitioners and that the criminal appeal is not likely to be taken up for final hearing in the near future and further considering the fact that the petitioner is undergoing incarceration from 08.12.2017, this Court is of the view that petitioner herein may be granted the relief of suspension of sentence.

5. Accordingly, 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 Judicial Magistrate No.I, Salem, and on further condition that petitioner shall appear before the said Court on the first working day of Every English Calendar month at 10.30 a.m. pending appeal.

-sd/-
06/02/2018

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 JUDICIAL MAGISTRATE,
NO.I, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
B-1, TOWN POLICE STATION, SALEM CITY.

5 THE JUDGE DISTRICT MAHILA
COURT CUDDALORE

6 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

7 THE III ADDITIONAL SESSIONS JUDGE,
SALEM

+1 C.C. to M/S.R.NALLIYAPPAN Advocate on payment of necessary
charges SR.NO. 2525

Order

in
CRL MP.16593/2017

in
CRL A.807/2017

Date :06/02/2018

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