

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Monday, the Twenty Third day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. KALAIYARASAN

CRIMINAL MISCELLANEOUS PETITION No.16710 of 2017

IN CRL A.814/2017

R.VIJI @ VIJAYARAJ

[ APPELLANT / ACCUSED ]

Vs

STATE REPRESENTED BY

[ RESPONDENT ]

INSPECTOR OF POLICE,

B-2 ESPLANADE POLICE STATION,

CHENNAI.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.814/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence in Judgment dated 19.12.2017 in S.C.No.369 of 2013 on the file of XVIII Additional Sessions Judge, CCC, Chennai and to direct the respondent to release the petitioner on bail pending disposal of above CRL A.814/2017 [IN CRL.MP.NO.16710 OF 2017]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.814/2017 on the file of the High Court and upon hearing the arguments of DR.G.KRISHNAMURTHY Advocate for M/S.S.SELVAKUMAR, Advocate for the petitioner and of MR.PRABHAVATHI GANESH RAM ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

Heard both sides.

2.This petition has been filed by the petitioner/A3 seeking to suspend the order of sentence imposed on him by the learned XVIII Additional Sessions Judge, City Civil Court, Chennai in S.C.No.369 of 2013 dated 19.12.2017.

3.The petitioner/appellant has been convicted and sentenced to undergo RI for 7 years and to pay a fine of Rs.5,000/-, in default to undergo SI for 3 months for the offence under Section 120[b] of IPC and also to undergo RI for 7 years and to pay a fine of Rs.5,000/-, in default to undergo Si for 3 months for the offence under Section 392 r/w 397 of IPC.

4.Learned counsel for the petitioner/appellant argued that the petitioner had been in custody for more than 4 months, that there is acceptable evidence from the Port Trust that the

petitioner/appellant was on work in the Port Trust at the time of alleged occurrence and therefore, he is having fair chance of getting acquittal, that he is the only breadwinner of the family having wife and two female children and therefore, the sentence imposed on the petitioner/appellant may be suspended.

5.Learned Additional Public Prosecutor strenuously opposed the suspension of sentence contending that the trial Court, after elaborately analysing the evidence, has rightly convicted the petitioner/appellant.

6.Entire occurrence is alleged to have taken place with the aid of A4, who is the employee of the victim. The petitioner/appellant had already undergone custody for more than 4 months and had been on bail through out the trial.

7.Considering these factors and also the fact that he is the only breadwinner of the family and also the entire facts and circumstances of the case, this Court is inclined to suspend the sentence imposed by the trial Court. Accordingly, the substantive sentence of imprisonment alone is suspended on executing 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 XVIII Additional Sessions Judge, Chennai and on further condition that the petitioner/appellant shall appear before the said Court on the first working day of every month at 10.30 a.m till the disposal of the appeal.

-sd/-  
23/04/2018

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 XVIII ADDITIONAL SESSIONS  
JUDGE, CHENNAI.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,  
CENTRAL PRISON, CHENNAI.

4 THE INSPECTOR OF POLICE,  
B-2 ESPLANADE POLICE STATION,  
CHENNAI.

+1C.C. to M/S.S.SELVAKUMAR Advocate on payment of necessary  
charges SR NO.8017

Order

in  
CRL MP.16710/2017

in  
CRL A.814/2017

Date :23/04/2018

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MK:24/04/2018