

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Ninth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.2344 of 2018

IN CRL.A.NO.103 OF 2018

MANI @ MANIKANDAN

[PETITIONER]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
B9-SARAVANAMPATTI POLICE STATION (CRIME),
COIMBATORE.

Petition praying that in the circumstances stated therein the High Court will be pleased to release the petitioner on bail by suspending the sentence appealed against in S.C.No.145 of 2012 on the file of IV Additional District and Sessions Judge, Coimbatore, pending disposal of the above CRL.A.NO.103 OF 2018.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of MR.G.MURUGENDRAN Advocate for the petitioner and of M/S.V.SARATHADEVI, GOVERNMENT ADVOCATE on behalf of the Respondent the court made the following order:-

The appellant is the first accused, in Sessions Case No.145 of 2012, on the file of the IV Additional District and Sessions Judge, Coimbatore. By judgment, dated 18.12.2017, the trial Court has convicted him, along with others, for offences under Sections 457 and 380 of the Indian Penal Code. The maximum punishment imposed upon the petitioner/A1 is Rigorous Imprisonment for five years. Challenging the said conviction and sentence, the petitioner/A1 has preferred the above appeal. Pending appeal, he seeks for suspension of sentence.

2.Heard, Mr.G.Murugendran, the learned counsel for the petitioner/A1 and Mrs.V.Saradhadevi, learned Government Advocate, appearing on behalf of the State and I have also perused the records carefully.

3.This is a case of theft. The stolen gold jewels were recovered from the possession of the accused, soon after the commission of theft. This has been spoken to by the witnesses examined on the side of the prosecution and the investigating officer. There are other circumstances proved by the prosecution, making out a clear chain, pointing unerringly to the guilt of the accused. The learned counsel for the petitioner/A1 is

not able to make out any point in favour of the petitioner/A1, so as to suspend the sentence. In my considered view, this is not a fit case to grant suspension of sentence. Hence, this criminal miscellaneous petition is dismissed for the present.

-sd/-
29/11/2018

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 IV ADDITIONAL DISTRICT
AND SESSIONS JUDGE, COIMBATORE.

2 THE INSPECTOR OF POLICE,
B9-SARAVANAMPATTI POLICE STATION (CRIME),
COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

Order

in
CRL MP.2344/2018

in
CRL.A.NO.103 OF 2018

Date :29/11/2018

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MLT-05/12/2018