

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Ninth day of October 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.3409 of 2018

IN CRL A.142/2018

PAZHANI

[PETITIONER]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
MATHUR POLICE STATION,
KRISHNAGIRI DISTRICT.
CR.NO.251 OF 2016

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.142/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the learned Principal Sessions Judge, Krishnagiri in SC NO.60 of 2017 by judgment dated 23.11.2017 and enlarge him on bail pending disposal of the above appeal

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.142/2018 on the file of the High Court and upon hearing the arguments of MR.M.G.UDAYASHANKAR FOR M/S.SHANTHAKUMARI Advocate for the petitioner and of R.PRATHAP KUMAR 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 faced trial in S.C.No.60 of 2017 on the file of learned Principal Sessions Judge, Krishnagiri. Under judgment dated 23.11.2017, petitioner was convicted for offences u/s.302 and 294(b) IPC and sentenced to life imprisonment and fine of Rs.3,000/- i/d 6 months R.I. for offence u/s.302 IPC and 3 months R.I. for offence u/s.294(b) IPC. Trial Court directed that sentences run concurrently. Seeking suspension of sentence, petitioner has moved the present petition.

2. Learned counsel for petitioner submits that the petitioner is confined at Central Prison, Vellore 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. Learned counsel further would submit that petitioner has not paid the fine amount.

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

4. Considering the facts and circumstances of the case 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 petitioner herein.

Accordingly, the 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 learned District Munsif cum Judicial Magistrate, Pochampalli and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-

09/10/2018

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.

सत्यमेव जयते

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, POCHAMPALLI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE PRINCIPAL SESSIONS JUDGE,
KRISHNAGIRI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

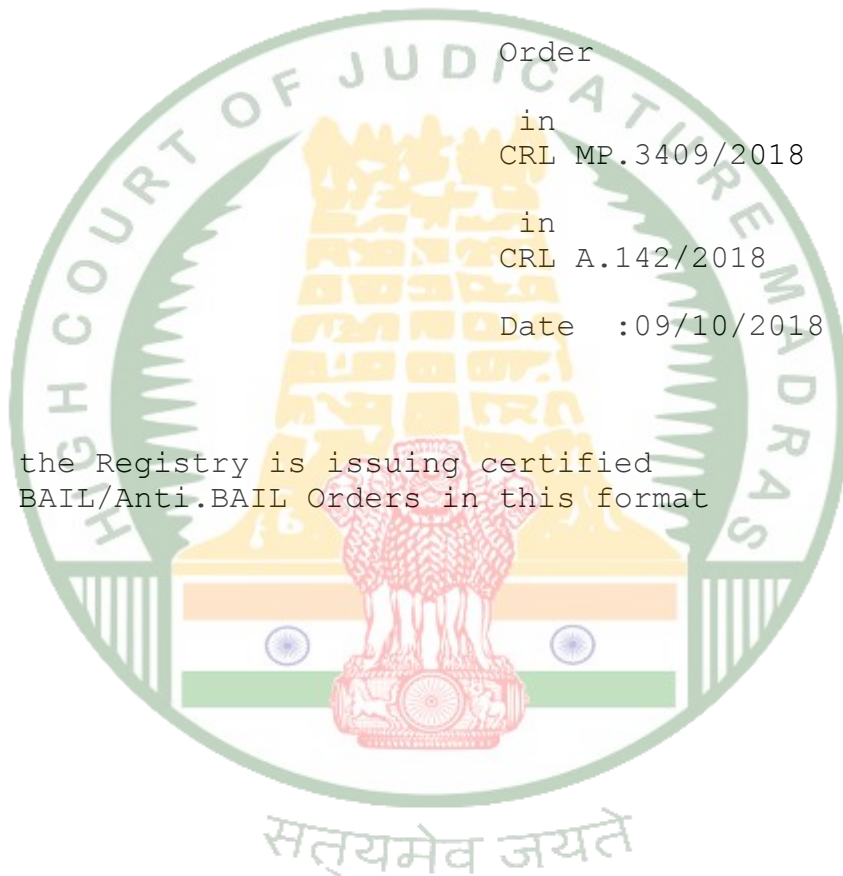
4 THE INSPECTOR OF POLICE,
MATHUR POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

+1 C.C. to M/S.S.SHANTHAKUMARI Advocate on payment of necessary
charges SR.NO. 18914

Order
in
CRL MP.3409/2018
in
CRL A.142/2018
Date :09/10/2018

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RD 10/10/2018



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