

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Third day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

CRIMINAL MISCELLANEOUS PETITION No.4720 of 2017

IN CRL A.188/2017

JAMBU @ SARAVANAN @
SHANMUGAM,

[PETITIONER/APPELLANT/ACCUSED]

Vs

STATE BY,
INSPECTOR OF POLICE,
KONDALAMPATTY POLICE STATION,
SALEM DISTRICT.
CR.NO.1027 OF 2008.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.188 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner herein by the learned Sessions Judge, Mahila Court, Salem, Salem District made in S.C.No.76 of 2010 by Judgment dated 27.01.2017 and enlarge him on bail pending disposal of the above CRL.A.No.188 of 2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.188 of 2017 on the file of the High Court and upon hearing the arguments of M/S.T.SHANMUGAM, Advocate for the petitioner and of MR. V.ARUL, ADDL. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

Petitioner, the sole accused, faced trial in SC.No.76/2016 on the file of learned Sessions Judge, Mahial Court, Salem. Trial Court, under judgment dated 27.01.2017, convicted the petitioner for the commission of the offences u/s.498-A, 304[B] IPC and 4 of Tamil Nadu Dowry Prohibition Act and sentenced him to undergo 3 years rigorous imprisonment and to pay a fine of Rs.2,000/- with a default sentence of 3 months simple imprisonment for the offence u/s.498-A IPC; to undergo 7 years rigorous imprisonment for the offence u/s.304[B] IPC and to undergo 2 years rigorous imprisonment and to pay a fine of Rs.2000/- with a default sentence of 3 months simple imprisonment. The sentences were ordered to run concurrently. Challenging the conviction and sentence, the petitioner has preferred the above appeal and this miscellaneous petition has been filed seeking suspension of sentence, pending appeal.

2 Learned counsel for petitioner would submit that there are several infirmities and inconsistencies in the prosecution case. Learned counsel further informs that the petitioner/accused is in jail for more than 2 ½ years.

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

C.T.SELVAM, J

AP

4 Taking into consideration the submissions of learned counsel for petitioner 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 appellant/petitioner/accused is undergoing incarceration for the past 2 ½ years, this Court is of the view that petitioner herein may be granted the relief of suspension of sentence.

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

-sd/-

03/01/2018

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.V, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE SESSIONS JUDGE,
MAHILA COURT, SALEM, SALEM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE ADDL. PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
KONDALAMPATTY POLICE STATION,
SALEM DISTRICT.

+1 C.C. to M/S.T.SHANMUGAM Advocate on payment of necessary
charges-Sr.82

Order

in
CRL MP.4720/2017

in
CRL A.188/2017

Date :03/01/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 05.01.2018