

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Second day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V. MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.2492 of 2018

IN CRL RC.238/2018

MARAN @ POOSARI,

[PETITIONER]

Vs

STATE BY
INSPECTOR OF POLICE,
BHAVANI POLICE STATION,
ERODE DISTRICT.
CR.NO.431 OF 2012

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.RC.No.238/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the Honourable IV Addl. District Sessions Judge, Bhavani in Crl. Appeal No.11/14 dated 20.02.2017 by confirming the judgment of learned Assistant Sessions Judge, Bhavani, delivered his judgment in SC 40/2013 dated 10.01.2014 pending disposal of the above revision petition

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.238/2018 on the file of the High Court and upon hearing the arguments of M/S.K.SIVAKUMAR, Advocate for the petitioner and of Public Prosecutor, on behalf of the Respondent the court made the following order:-

The petitioner was convicted and sentenced by the learned Assistant Sessions Judge, Bhavani, under judgment in S.C.No.40 of 2013, dated 10.01.2014 for offence u/s.326 IPC and to undergo three years R.I. and to pay a fine of Rs.1,000/- in default, to undergo three months S.I. There against, the petitioner preferred an appeal in C.A.No.11 of 2014 on the file of learned IV Additional District and Sessions Judge, Bhavani, which came to be dismissed under judgment dated 20.02.2017. Hence, petitioner seeks suspension of sentence.

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 Central Prison, Coimbatore.

3. Learned Government Advocate [Crl.side] strongly objected to grant of suspension of sentence.

4. Taking into consideration the submissions of learned counsel for petitioner that petitioner is in prison for more than one year and that the revision is not likely to be taken up for final hearing in the near future, 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 the petitioner shall execute a bond in a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the Assistant Sessions Judge, Bhavani, 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 revision.

-sd/-
22/02/2018

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 IV ADDITIONAL DISTRICT
AND SESSIONS JUDGE, BHAVANI

2 THE ASSISTANT SESSIONS JUDGE
BHAVANI

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

4 STATE BY
INSPECTOR OF POLICE,
BHAVANI POLICE STATION,
ERODE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.K.SIVAKUMAR Advocate on payment of necessary
charges Sr.No.3697

Order
in
CRL MP.2492/2018
in
CRL RC.238/2018

Date :22/02/2018

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MD: 22/02/2018