

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Sixth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V.MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.2721 of 2018

IN CRL RC.255/2018

GOVINDAN,

[PETITIONER]

Vs

THE STATE REP. BY
SUB-INSPECTOR OF POLICE,
KURISILLAPATTU POLICE STATION,
VELLORE DISTRICT.
CR.NO.21 OF 2013

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal RC. No.255 OF 2018 on the file of the High Court, the High Court will be pleased to Suspend the judgment dated 31.07.2017 made in C.A No.1 of 2016 on the file of III Additional Sessions Judge, Vellore @ Tirupattur modifying the Judgment and sentence imposed in S.C No.5 of 2014 dated 28.10.2015, on the file of the learned Assistant Sessions Judge, Tirupattur pending disposal of the above CRL.RC.NO.255/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.255 of 2018 on the file of the High Court and upon hearing the arguments of M/S.G.JEREMIAH, Advocate for the petitioner and of MR. G.RAMAR, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

The petitioner was convicted and sentenced by the Judgment of the learned Assistant Sessions Judge, Tirupattur, in S.C.No.5 of 2014, dated 28.10.2015 as follows :

Conviction	Sentence imposed
294 (b) IPC	Accused to pay a fine of Rs.100/- in default, to undergo one week S.I.
307 IPC	Accused to undergo five years R.I and to pay a fine of Rs.1,000/- in default, to undergo three months S.I.

The period of sentence already undergone by the petitioner from

08.02.2013 to 07.03.2013 was ordered to be set off under Section 428 of Cr.P.C.

2. As against that, the petitioner preferred an appeal in C.A.No.1 of 2016 on the file of learned III Additional Sessions Judge, Vellore @ Tirupattur, and the learned III Additional Sessions Judge, Vellore @ Tirupattur by judgment dated 31.07.2017 modified the conviction and sentence imposed by the trial Court. The learned III Additional Sessions Judge, Vellore @ Tirupattur acquitted the petitioner from the conviction under Section 294(b) of I.P.C., and altered the conviction under Section 307 of I.P.C. to one under Section 326 of I.P.C. and sentenced the petitioner to undergo one year S.I. and to pay a fine of Rs.1,000/- in default to undergo one month S.I. for the offence under Section 326 of I.P.C. and the period of sentence already undergone by the petitioner from 08.02.2013 to 07.03.2013 was ordered to be set off under Section 428 of Cr.P.C. Hence, this miscellaneous petition has been filed seeking suspension of sentence.

3. The learned counsel for the petitioner would submit that there are several infirmities and inconsistencies in the prosecution case. The learned counsel further informs that petitioner is now confined at Central Prison, Vellore.

4. Heard learned Government Advocate [Crl.side] on the submissions made by the learned counsel for petitioner.

5. Taking into consideration and the submissions made by the learned counsel for petitioner 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.

6. 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 the learned Judicial Magistrate No.II, Tirupattur, 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 revision.

-sd/-
26/02/2018

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 CHIEF JUDICIAL MAGISTRATE
NO.II, TIRUPATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE III, ADDL. SESSIONS JUDGE,
VELLORE @ TIRUPATTUR.

4 THE ASSISTANT SESSIONS JUDGE,
TIRUPATTUR.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

7 THE SUB-INSPECTOR OF POLICE,
KURISILLAPATTU POLICE STATION,
VELLORE DISTRICT.

+1 C.C. to M/S.G.JEREMIAH Advocate on payment of necessary
charges-Sr.3924

Order

in
CRL MP.2721/2018

in
CRL RC.255/2018

Date :26/02/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 26.02.2018