

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eleventh day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

CRIMINAL MISCELLANEOUS PETITION No.6817 of 2017

IN CRL A.285/2017

SADIQ

[PETITIONER]

Vs

STATE REPRESENTED BY,
SUB-INSPECTOR OF POLICE,
H-6, R.K.NAGAR POLICE STATION,
CHENNAI-21.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.285/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence in judgment dated in S.C.No.68 of 2014 on the file of Mahila Judge, Chennai and to direct the respondent to release the petitioner on bail pending disposal of the above CRL A.285/2017 [IN CRL.MP.NO.6817 OF 2017]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.285/2017 on the file of the High Court and upon hearing the arguments of M/S.DR.G.KRISHNAMURTHY, Advocate for the petitioner and of MR.V.ARUL, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

Petitioner/A-1 faced trial in SC.No.68/2014 on the file of learned Sessions Judge, Mahila Court, Chennai. Trial Court, under judgment dated 29.05.2017, convicted the petitioner for the commission of the offences u/s.366 and 376 IPC and sentenced him 4 years rigorous imprisonment, fine of Rs.3,000/-, in default, 3 months rigorous imprisonment for offence u/s.366 IPC ; and sentenced him 7 years rigorous imprisonment, fine of Rs.3000/-, in default, 3 months rigorous imprisonment for offence u/s.376 IPC. Challenging the conviction and sentence, the petitioner has preferred the present appeal and pending appeal, this miscellaneous petition has been filed seeking suspension of sentence.

2 Heard learned counsel appearing for the petitioner and learned Additional Public Prosecutor appearing for the respondent.

3 Taking into consideration the submissions of learned counsel for petitioner and that the appeal is not likely to be taken up for final hearing in the near future and also considering the fact that the petitioner is in custody from the date of conviction, i.e., 29.05.2017, this Court is of the view that petitioner herein may be granted the relief of suspension of sentence.

4 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 Sessions Judge, Mahila court, Chennai, 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/-
11/01/2018

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 SESSIONS JUDGE,
MAHILA COURT, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB-INSPECTOR OF POLICE,
H-6, R.K.NAGAR POLICE STATION,
CHENNAI-21.

+1C.C. to M/S.DR.G.KRISHNAMURTHY Advocate on payment of
necessary charges SR NO.710

Order

in
CRL MP.6817/2017

in
CRL A.285/2017

Date :11/01/2018

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MK:12/01/2018