

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V. MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.8773 of 2017

IN CRL A.173/2016

MOIDHEEN

[PETITIONER]

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
SANKARAPURAM POLICE STATION,
VILLUPURAM DISTRICT.
CR.NO.559 OF 2010.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.173 of 2016 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment imposed in the judgment dated 18.02.2016 made in S.C.No.189 of 2014 on the file of the Third Additional Sessions Court, Villupuram @ Kallakurichi and enlarge the petitioner on bail pending disposal of the above Criminal Appeal No.173/2016.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.173/2016 on the file of the High Court and upon hearing the arguments of M/S.N.MANOKARAN, Advocate for the petitioner and of Mrs.T.P.SAVITHA Government Advocate[crl.side] on behalf of the Respondent the court made the following order:-

Petitioner faced trial in S.C.No.189 of 2014 on the file of the learned III Additional Sessions Judge, Kallakurichi, Villupuram. Trial Court under Judgment dated 18.02.2016 convicted the petitioner for the offences under Sections 498(A) and 304(B) of I.P.C., and sentenced to undergo Rigorous Imprisonment for a period of eleven years and a fine of Rs.1000/- and in default of payment of fine, to undergo further Simple Imprisonment for a period of three months. Hence, this miscellaneous petition has been filed seeking suspension of sentence.

2 Learned counsel for the petitioner would submit that there are several infirmities and inconsistencies in the prosecution case. He would further submit that the petitioner is in jail from 18.02.2016 and is confined in Central Prison, Cuddalore.

3 The learned Govt. Advocate (Crl.side) would strongly object

for granting bail to the petitioner.

4 Taking into consideration the submissions of learned counsel for the petitioner and that the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein may be granted the relief of suspension of sentence.

5 Accordingly, the substantive sentence of imprisonment alone is suspended and the 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, Sankarapuram and on further condition that the petitioner is directed to appear before the respondent police once in a week at 10.00 a.m, pending appeal.

-sd/-

28/03/2018

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,
SANKARAPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILUPURAM[FOR INFORMATION]

3 THE III ADDITIONAL SESSIONS
JUDGE, KALLAKURICHI, VILLUPURAM

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE STATE REP. BY
THE INSPECTOR OF POLICE,
SANKARAPURAM POLICE STATION,
VILLUPURAM DISTRICT.

+1 C.C. to M/S.N.MANOKARAN Advocate on payment of necessary charges SR.NO. 6183

Order

in
CRL MP.8773/2017

in
CRL A.173/2016

Date :28/03/2018

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RD 28/03/2018