

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fourth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.6015 of 2018

in CRL.A.NO.328 of 2017

SANTHOSHKUMAR

[PETITIONER / APPELLANT]

vs

THE STATE OF TAMIL NADU,
THE INSPECTOR OF POLICE,
PERUNDURAI POLICE STATION,
ERODE DISTRICT
CRIME NO.389 OF 2013.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.No.328 of 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment imposed in the Judgment dated 14.06.2017 made in S.C.No.126 of 2015 on the file of the Learned Assistant Sessions Judge, Perundurai and enlarge the petitioner on bail pending disposal of the above C.A.No.328 of 2017 [CRL.M.P.No.6015 of 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.328 of 2017 on the file of the High Court and upon hearing the arguments of M/S.N.MANOKARAN, Advocate for the petitioner the court made the following order:-

The appellant is A2 in Sessions Case No.126 of 2015, on the file of the Additional Sessions Court, Perundhurai, Erode District. By order dated 14.06.2017, the trial Court has convicted him for offences under Sections 120B, 460 and 394 r/w 397 of the Indian Penal Code. The maximum punishment imposed upon the petitioner is Rigorous Imprisonment for ten years. Challenging the said conviction and sentence, the petitioner has preferred the above appeal. Pending appeal, he seeks for suspension of sentence.

2.Heard, Mr.N.Manokaran, the learned counsel for the petitioner and Mrs.V.Saradhadevi, learned Government Advocate, appearing on behalf of the State and I have also perused the records carefully.

3.The learned Government Advocate would submit that the petitioner along with A1 have trespassed into the house of the victim; brutally attacked her with knife, sickle and other deadly weapons and snatched away gold jewels from her. Due to the said attack, the victim sustained severe injuries. The victim also wrote the names of the accused on the wall. She would further submit that there are clinching materials in support of the prosecution case and on the basis of the said materials, the lower Court has passed the impugned order, imposing the maximum punishment of ten years Rigorous Imprisonment on the petitioner/accused. She would also submit that there are enough materials to sustain the charge framed against the petitioner and the trial Court has rightly convicted the petitioner and as such, the petitioner is not entitled to be released on bail. Accordingly, she prays for dismissal of the petition.

4.The learned counsel for the petitioner would submit that the petitioner is aged 32 years and he has been falsely implicated in this case. There are no overt act attributed against the petitioner. The petitioner is languishing in jail for the past 2 ½ years and he has no bad antecedents. Accordingly, the learned counsel prays for suspending the sentence imposed on the petitioner.

5.Considering the said submission made by the learned Government Advocate, appearing on behalf of the prosecution and the gravity of offence, this Court is not inclined to suspend the sentence. Even otherwise, there is no merit in this petition and therefore, this petition is dismissed for the present.

-sd/-
04/12/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

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TO

1 THE ADDITIONAL SESSIONS JUDGE
PERUNDURAI, ERODE DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

4 THE INSPECTOR OF POLICE,
PERUNDURAI POLICE STATION,
ERODE DISTRICT

C.C. to M/S.N.MANOKARAN Advocate on payment of necessary
charges

Order

in

CRL M.P.No.6015 of 2018

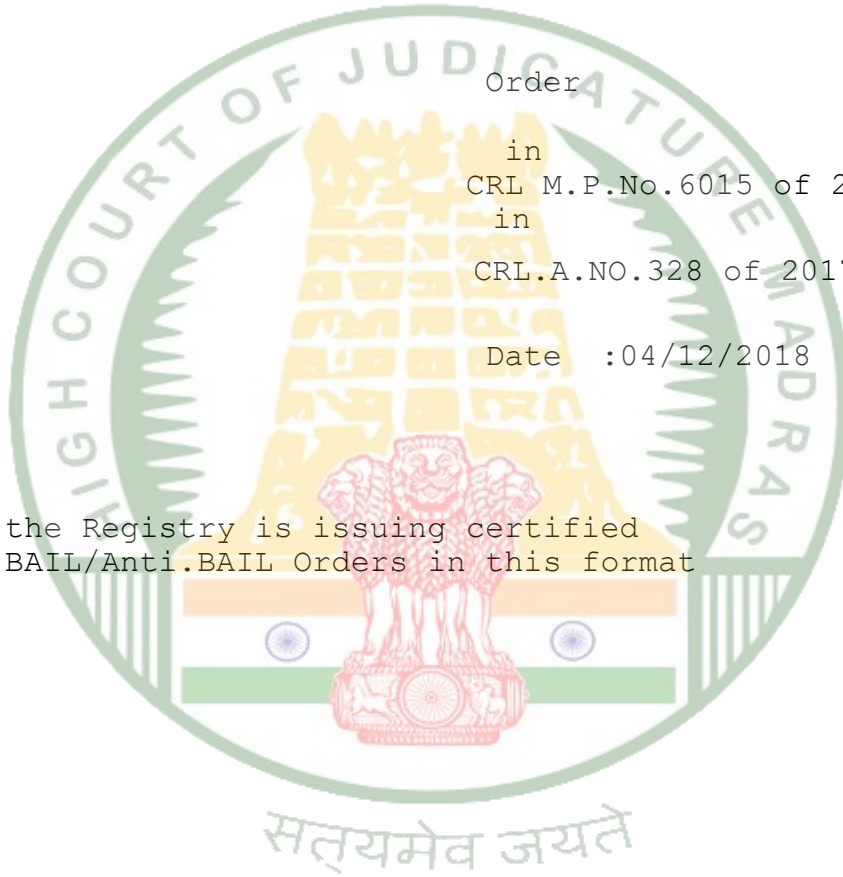
in

CRL.A.NO.328 of 2017

Date :04/12/2018

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

cm 07/12/2018



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