

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Ninth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V. MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.3091 of 2018

IN CRL RC.267/2018

1 CHINNAPPA,
2 KRISHNAPPA,

[PETITIONERS/ACCUSED]

Vs

STATE REP. BY ITS
INSPECTOR OF POLICE,
KELAMANGALAM P.S.
CR.NO.5 OF 2008

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal RC. No.267 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in CC No.130 of 2008 dated 23.08.2017 on the file of the District Munsif cum Judicial Magistrate Court, Denkanikottai and Crl.A.No.42 of 2017 on the file of Principal Sessions Judge, Krishnagiri and enlarge the petitioners on bail, pending disposal of the above Criminal Appeal petition on the file of this Hon'ble Court.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.267 of 2018 on the file of the High Court and upon hearing the arguments of M/S.DR.S.MANOCHARAN, Advocate for the petitioner and of Mr.G.RAMAR, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

Petitioners and others faced trial in C.C.No.130 of 2008 on the file of learned District Munsif-cum-Judicial Magistrate. Trial Court, under judgment dated 23.08.2017, convicted for the offences u/s.294 (b) and 324 IPC and sentenced them as follows:

Accused	Sections of law	Sentence
A1 and A4	294(b) IPC	Fine of Rs.1,000/- (each) i/d 3 month R.I.
	324 IPC	6 months R.I.

There against, petitioners preferred an appeal in C.A.No.42 of 2017 on the file of learned Principal Sessions Judge, Krishnagiri, which came to be dismissed under judgment dated 12.01.2018. This miscellaneous petition has been filed seeking 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 Sub Jail, Vellore.

3. Heard learned Government Advocate [Cr1.side] on the submissions made by learned counsel for petitioners.

4. Taking into consideration the submissions of learned counsel for petitioners 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 petitioners herein may be granted the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and petitioners are directed to be enlarged on bail on condition that each of the petitioners 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 District Munsif-cum-Judicial Magistrate Court, Denkanikottai, and on further condition that petitioners shall appear before the said Court on the first working day of every month at 10.30 a.m. pending revision.

-sd/-
09/03/2018

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE COURT, DENKANIKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PRINCIPAL SESSIONS JUDGE,
KRISHNAGIRI.

4 THE OFFICER INCHARGE,
SUB JAIL, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
KELAMANGALAM P.S.

+1 C.C. to M/S.DR.S.MANOCHARAN Advocate on payment of necessary
charges-Sr.4705

Order

in
CRL MP.3091/2018

in
CRL RC.267/2018

Date :09/03/2018

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ths : 09.03.2018