

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.3182 of 2018

IN CRL RC.282/2018

MANIKANDAN,

[PETITIONER]

Vs

THE INSPECTOR OF POLICE [RESPONDENT]
PERAMBALUR POLICE STATION, PERAMBALUR
DISTRICT, CR.NO.269 OF 2015.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No. on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner in C.A.No.3 of 2017 before Principal Dist Sessions Judge Perambalur by Judgment dated 02/02/2018 confirming judgement in CC.No.189 of 2015 on the file of the Judicial Magistrate Court, Perambalur by judgment dated 13/03/2017 pending disposal of the Crl.R.C.No.282 of 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.282/2018 on the file of the High Court and upon hearing the arguments of M/S.B.VASUDEVAN, Advocate for the petitioner and of MR. G. RAMAR, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

Petitioner faced trial in C.C.No.189 of 2015 on the file of learned Judicial Magistrate, Perambalur. Trial Court, under judgment dated 13.03.2017 and sentenced as follows:

Sections of law	Sentence
393 IPC	2 years R.I and Fine of Rs.1,000/- i/d 1 month S.I.

There against, petitioner preferred an appeal in C.A.No.3 of 2017 on the file of learned Principal District and Sessions

Judge, Perambalur. Appellate Court, under judgment dated 02.02.2018, modified the sentence to undergo one year R.I instead of two years R.I. and fine of Rs.1,000 i/d 1 month R.I. 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 petitioner is now confined at Sub Jail, Perambalur.

3. Heard learned Government Advocate [Crl.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 petitioner herein may be granted the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and petitioner is 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 Judicial Magistrate, Perambalur 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 PRINCIPAL DISTRICT
AND SESSIONS JUDGE, PERAMBALUR

2 THE INSPECTOR OF POLICE
PERAMBALUR POLICE STATION,
PERAMBALUR DISTRICT,

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB JAIL
PERAMBALUR

5 THE JUDICIAL MAGISTRATE,
PERAMBALUR

6 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR (FOR INFORMATION)

+1 C.C. to M/S.B.VASUDEVAN Advocate on payment of necessary
charges Sr.NO.4739

Order
in
CRL MP.3182/2018
in
CRL RC.282/2018

Date :09/03/2018

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MD: 09/03/2018