

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of October Two Thousand Eighteen

PRESENT

The Hon`ble Mr. Justice C.T.SELVAM

and

The Hon`ble Mr. Justice M.NIRMAL KUMAR

CRIMINAL MISCELLANEOUS PETITION No.6834 of 2018

IN CRL A.288/2018

SRINIVASAN

[PETITIONER /APPELLANT]

Vs

THE STATE OF TAMIL NADU,
THE INSPECTOR OF POLICE,
H-6 R.K.NAGAR POLICE STATION,
CHENNAI.

[RESPONDENT /COMPLAINANT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.No. on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in C.C.No.166 of 2017 dated 07.04.2018 passed by the Learned Principal Sessions Judge, Chennai at Chennai.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No. on the file of the High Court and upon hearing the arguments of M/S.R.C.PAUL KANAGARAJ, Advocate for the petitioner and of MR.R.PRATHAP KUMAR Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

(Order of the Court was made by C.T.SELVAM,J)

Petitioner was convicted for offence u/s.302 and 324 IPC and sentenced to undergo Life imprisonment and fine of Rs.1,000/- for offence u/s.302 IPC and 3 years R.I and fine of Rs.1,000/- by learned Principal Sessions Judge, Chennai, under judgment dated 07.04.2018 in S.C.No.166 of 2017. Hence, petitioner seeks suspension of sentence.

2. Learned counsel for petitioner would submit that the petitioner is confined at Central Prison, Puzhal, Chennai, and there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses.

Learned counsel further submits that the petitioner has paid the fine amount.

3. Heard learned Additional Public Prosecutor on the submissions made by learned counsel for petitioner.

4. Considering the facts and circumstances of the case and in view of the fact that the petitioner has been in custody, that there are several infirmities in the prosecution case and there are arguable points involved in the appeal, as contended by learned counsel for petitioner, and further the appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein are entitled to the relief of grant 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 XVI Metropolitan Magistrate, George Town, Chennai, and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-

08/10/2018

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 SESSIONS JUDGE
CHENNAI

2 THE XVI METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI

3 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

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4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

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

+1C.C. to M/S.R.C.PAUL KANAGARAJ Advocate on payment of
necessary charges SR.NO. 18815

Order

in

CRL MP.6834/2018

in

CRL A.288/2018

Date :08/10/2018

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

cm 08/10/2018

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