

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eleventh 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.6995 of 2018

IN CRL A.178/2018

1 NANDISWARAN,
2 SURIYANARAYANAN,
3 NAGARAJ,
4 RAVI @ RAVIKUMAR,

[PETITIONERS/APPELLANT]

Vs

STATE BY
INSPECTOR OF POLICE,
VEPPANAHALLI POLICE STATION,
KRISHNAGIRI DISTRICT.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.178 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioners vide judgment dated 27.02.2018 made in ***S.C.NO.122/2008** on the file of the Additional District and Sessions Judge, Krishnagiri and enlarge the petitioners on bail in Crl.A.No.178 of 2018 pending disposal of the above Crl.A.No.178/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.178 of 2018 on the file of the High Court and upon hearing the arguments of MR.V.GOPINATH, SENIOR COUNSEL FOR M/S.K.SELVARANGAN, Advocate for the petitioner and of MR. R.PRATHAP KUMAR, ADDL. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

[Order of the Court was made by **C.T.SELVAM, J**]

Petitioners/Accused 1 to 4 along with 6 others faced trial in ***S.C.No.122 of 2008** on the file of learned Additional District and Sessions Judge Krishnagiri. Under judgment dated 27.02.2018, petitioners were convicted and sentenced as follows:

Accused	Offence	Sentence
A1 to A4	148 IPC	2 years R.I. each
A1 and A2	341 IPC	1 month R.I. each

Accused	Offence	Sentence
A1, A2 and A4	302 IPC	Life imprisonment and fine of Rs.1,000/- each i/d 2 years R.I.
A1, A3 and A4	326 IPC	4 years R.I. and fine of Rs.1,000/- each i/d 6 months R.I.
A2	324 IPC	1 year R.I.
	323 IPC	6 months R.I.

Trial Court directed that sentences run concurrently. Seeking suspension of sentence, petitioners have moved the present petition.

2. Learned senior counsel for petitioner seeks permission of this Court to withdraw this petition regards first petitioner/A1 and has also made an endorsement to that effect.

3. Recording the said endorsement, this petition is dismissed as withdrawn as regards first petitioner/A1.

4. Learned senior counsel for petitioners submits that petitioners 2 and 3 are confined at Central Prison, Vellore and fourth 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 material particulars in the evidence of the prosecution witnesses.

5. Learned Additional Public Prosecutor brings to the notice of this Court that the petition earlier moved on behalf of A3 i.e. Nagaraj S/o.Janakiramappa was dismissed.

6. We note that such petition has been withdrawn as recorded in order dated 19.03.2018 in CrI.M.P.No.4269 of 2018 in CrI.A.No.178 of 2018. Considering the facts and circumstances that while a stab to the back is the injury attributed to A2, there is no corresponding injury and A3 stands convicted for offences u/s.326 and 148 IPC and sentenced to 4 years R.I. and fine of Rs.1,000/- i/d 6 months R.I. for offence u/s.326 IPC and 2 years R.I. for offence u/s.148 IPC and A4 presently is undergoing dialysis, this Court considers it appropriate to grant the relief of suspension of sentence to petitioners 2 to 4/A2 to A4 herein.

Accordingly, the substantive sentence of imprisonment alone is suspended and petitioners 2 to 4 are directed to be enlarged on bail on condition that each of petitioners 2 to 4 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 II, Krishnagiri and on further condition that petitioners 2 to 4 shall

appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-
11/10/2018

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.

*** AMENDED AS PER ORDER OF THIS COURT DATED 20/11/2018 MADE IN
CRL.MP.15452/2018 IN CRL.A.NO.178/2018**

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

and

The Hon`ble Mrs Justice S.RAMATHILAGAM

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE ADDL. DISTRICT AND
SESSIONS JUDGE, KRISHNAGIRI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

7 THE INSPECTOR OF POLICE,
VEPPANAHALLI POLICE STATION,
KRISHNAGIRI DISTRICT

+1 C.C. to M/S.K.SELVARANGAN, Advocate on payment of necessary
charges -Sr.19192
SR.No.22072

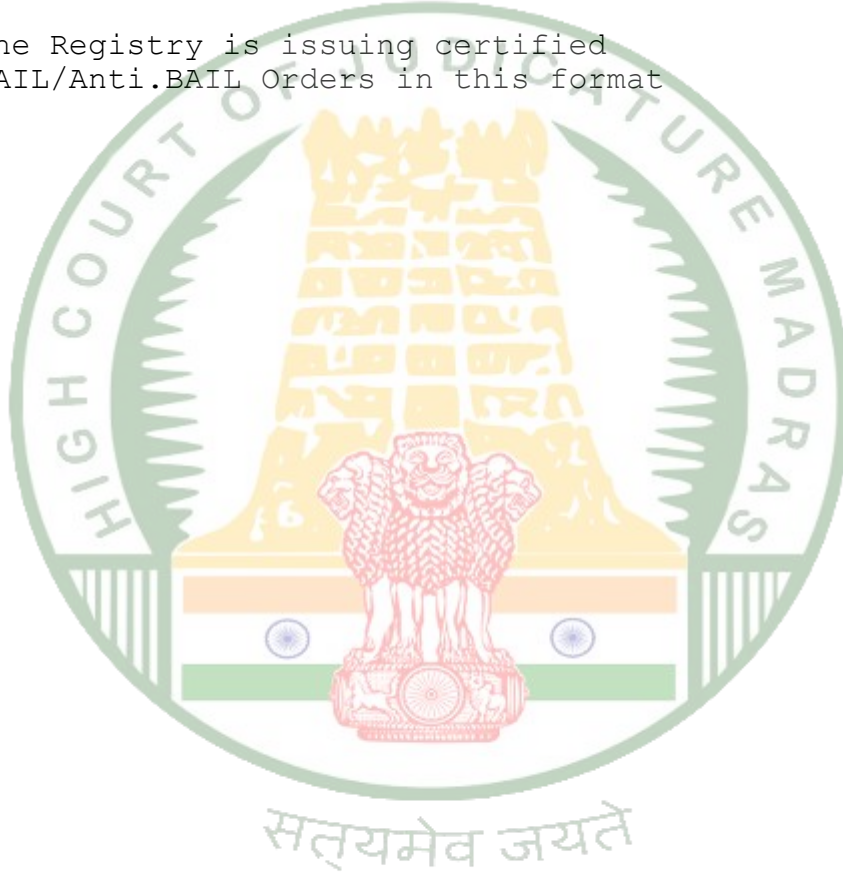
Order

in
CRL MP.6995/2018

in
CRL A.178/2018

Date :11/10/2018

From 7.2.2001 the Registry is issuing certified
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THS : 29.10.2018
THS : 22.11.2018



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