

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fourth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P.KALAIYARASAN

CRIMINAL MISCELLANEOUS PETITION No.3567 of 2018

IN CRL. A.146/2018

RAMESH,

[PETITIONER/APPELLANT/ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
AVINASHI POLICE STATION,
TIRUPUR DISTRICT.
CR.NO.356 OF 2013

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.146 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the trial court in the judgment dated 07.10.2015 made in S.C No.174 of 2014 on the file of the learned I Additional District and Sessions Judge, Tiruppur and enlarge the petitioner on bail, pending disposal of the above CRL.A.NO.146 of 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.146 of 2018 on the file of the High Court and upon hearing the arguments of M/S.A.SARANRAJ, Advocate for the petitioner and of MR. G.RAMESH, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

Heard both sides.

2.This petition has been filed seeking to suspend the sentence imposed by the trial Court in the Judgment, dated 07.10.2015, made in S.C.No.174 of 2014, on the file of the I Additional District and Sessions Judge, Tiruppur.

3.The petitioner/appellant is arrayed as A2 and he has been charge sheeted along with two other accused for the offences under Sections 397 and 307 r/w 34 of IPC. The I Additional District and Sessions Judge, Tiruppur found A1 and A2 guilty for the offence under Section 397 of IPC, convicted and sentenced to undergo RI for 7 years and acquitted for offences under Sections 307 r/w 34 of IPC. The trial Court, acquitted A3. Aggrieved by the conviction

and sentence, A2 preferred this Criminal Appeal.

4.Learned counsel for the petitioner/A2 contends that the petitioner had been in judicial custody for the past 4½ years and the sentence against A1 has already been suspended. He further contends that the trial Court, without appreciating the evidence properly, convicted the accused and there is no acceptable evidence for recovery of robbed golden jewels from the petitioner/accused and therefore, the sentence may be suspended.

5.The respondent/State in its counter vehemently opposed the suspension of sentence considering the nature of the offence.

6.Learned Additional Public Prosecutor argued that the trial Court, after carefully analysing the evidence, found the petitioner guilty for the offence under Section 397 of IPC and therefore, the sentence need not be suspended.

7.Considering the duration of custody, the fact that the sentence imposed on the prime accused has already been suspended and also the entire facts and circumstances of the case, this Court is of the view that the sentence imposed on the petitioner is to be suspended. Accordingly, the substantive sentence of imprisonment alone is suspended on executing a bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Avinashi 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 till the disposal of the revision.

-sd/-
04/04/2018

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 JUDICIAL MAGISTRATE,
AVINASHI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE I, ADDITIONAL DISTRICT AND
SESSIONS JUDGE, TIRUPUR.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
AVINASHI POLICE STATION,
TIRUPUR DISTRICT.

+1 C.C. to M/S.A.SARANRAJ Advocate on payment of necessary
charges-Sr.6532

Order

in
CRL MP.3567/2018

in
CRL. A.146/2018

Date :04/04/2018

From 7.2.2001 the Registry is issuing certified
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ths : 05.04.2018