

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P.KALAIYARASAN

CRIMINAL MISCELLANEOUS PETITION No.3749 of 2018

IN CRL A.155/2018

1 MUTHUKARAMAN,
2 PONNURANGAM,

[PETITIONERS/APPELLANTS/ACCUSED]

Vs

THE STATE REP. BY ITS,
THE INSPECTOR OF POLICE
ARAKKONAM TALUK POLICE STATION,
ARAKKONAM, VELLORE DISTRICT
CR.NO.537 OF 2012.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.155 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence order of sentence passed by the Learned Sessions Judge, Magalir Netthi Mandram, Fast Track Mahila Court, Vellore in S.C.No.319 of 2013 dated 22.02.2018 pending disposal of the above Appeal No.155 of 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.155 of 2018 on the file of the High Court and upon hearing the arguments of MR.S.SAMUEL RAJA PANDIAN, Advocate for the petitioner and of MR. G.RAMAN, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

Heard both sides.

2.This petition has been filed by the petitioners/A1 and A2 seeking to suspend the order of sentence passed by the learned Sessions Judge, Magalir Neethi Mandram [Fast Track Mahila Court], Vellore, dated 22.02.2018, in S.C.No.319 of 2013.

3.The learned Sessions Judge, Magalir Neethi Mandram [Fast Track Mahila Court], Vellore found A1 guilty for the offence under Section 307 of IPC, convicted and sentenced to undergo 7 years RI and to pay a fine of Rs.10,000/-, in default SI for 1 month and found A2 guilty for the offences under Sections 326 of IPC and 307 r/w 34 of IPC, convicted and sentenced to undergo 5 years RI and to pay a fine of Rs.4,000/- with default clause for the offence

under Section 326 of IPC, convicted and sentenced to undergo 7 years RI and to pay a fine of Rs.6,000/- with default clause for the offences under Section 307 r/w 34 of IPC.

4.A1 and A2 have filed the Criminal Appeal and have come forward with this petition for suspension.

5.Learned counsel for the petitioners/A1 and A2 contends that the petitioners have been on bail through out the trial, that the observation mahazar, seizure mahazar, rough sketch marked as Ex.P13 to Ex.P15 bear the crime No.534/2012, whereas, the crime number pertains to this case is 537/2012 and though four accused have been charge sheeted, the trial Court disbelieved the evidence of the injured witnesses and eye-witness as to the involvement of A3 and A4 and believed the version of the same witnesses with respect to complicity of A1 and A2 with the crime and the petitioners/A1 and A2 are having fair chance of acquittal in the appeal and therefore, the sentence may be suspended.

6.The State filed counter opposing the suspension of sentence.

7.Learned Additional Public Prosecutor argued that the trial Court, after analysing the evidence carefully, found A1 and A2 guilty for the offences charged against them and therefore, sentence need not be suspended.

8.Considering the fact that the petitioners/A1 and A2 have been on bail through out the trial and the fact that they are permanent residents and also the entire facts and circumstances of the case, this Court is inclined to suspend the sentence imposed by the trial Court. Accordingly, the substantive sentence of imprisonment alone is suspended on executing separate 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, Arakkonam and on further condition that the petitioners 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/-
06/04/2018

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,
ARAKKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE SESSIONS JUDGE,
MAGALIR NEETHI MANDRAM (FAST TRACK MAHILA
COURT), VELLORE.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE
ARAKKONAM TALUK POLICE STATION,
ARAKKONAM, VELLORE DISTRICT

+1 C.C. to M/S.S.SAMUEL RAJA PANDIAN Advocate on payment of
necessary charges -Sr.6683

Order

in
CRL MP.3749/2018

in
CRL A.155/2018

Date :06/04/2018

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ths : 06.04.2018