

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Second 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.8838 of 2018

IN CRL A.380/2018

KICHAN @ KRISHNAMOORTHY, [PETITIONER/APPELLANT]

Vs

STATE BY [RESPONDENT]
THE INSPECTOR OF POLICE,
OOTY TOWN B1 POLICE STATION,
OOTY, NILGIRIS DISTRICT.
CR.NO.154 OF 2013.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.380 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence dated 31.01.2018 imposed in S.C.No.28 of 2015, on the file of the Sessions Judge of Magalir Needhimandram, (FTMC), Uthagamandalam at Nilgiris, pending disposal of main Criminal Appeal and pass such further or other orders.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.380 of 2018 on the file of the High Court and upon hearing the arguments of M/S.T.SAI KRISHNAN, 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**)

Petitioner/A3 was convicted for offence u/s.302 r/w 34 IPC and sentenced to undergo Life imprisonment and fine of Rs.3,000/- i/d 3 months S.I by learned Sessions Judge, Magalir Neethimandram (FTMC), Uthagamandalam at Nilgiris, under judgment dated 31.01.2018 in S.C.No.28 of 2015. Hence, petitioner seeks suspension of sentence.

2. Learned counsel for petitioner would submit that the petitioner is confined at Central Prison, Coimbatore 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 submits that fine amount has been paid by the petitioner.

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 is 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 Judicial Magistrate, Uthagamandalam, 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/-

22/10/2018

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.

सत्यमेव जयते

TO

1 THE JUDICIAL MAGISTRATE,
UTHAGAMANDALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THE NILGIRIS. [FOR INFORMATION]

3 THE SESSIONS JUDGE OF
MAGALIR NEEDHIMANDRAM (FTMC),
UTHAGAMANDALAM AT NILGIRIS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
<https://hcservices.ecourts.gov.in/hcservices/>
HIGH COURT, MADRAS.

WEB COPY

6 THE INSPECTOR OF POLICE,
OOTY TOWN B1 POLICE STATION,
OOTY, NILGIRIS DISTRICT.

+1 C.C. to M/S.T.SAI KRISHNAN Advocate on payment of necessary
charges-Sr.19714

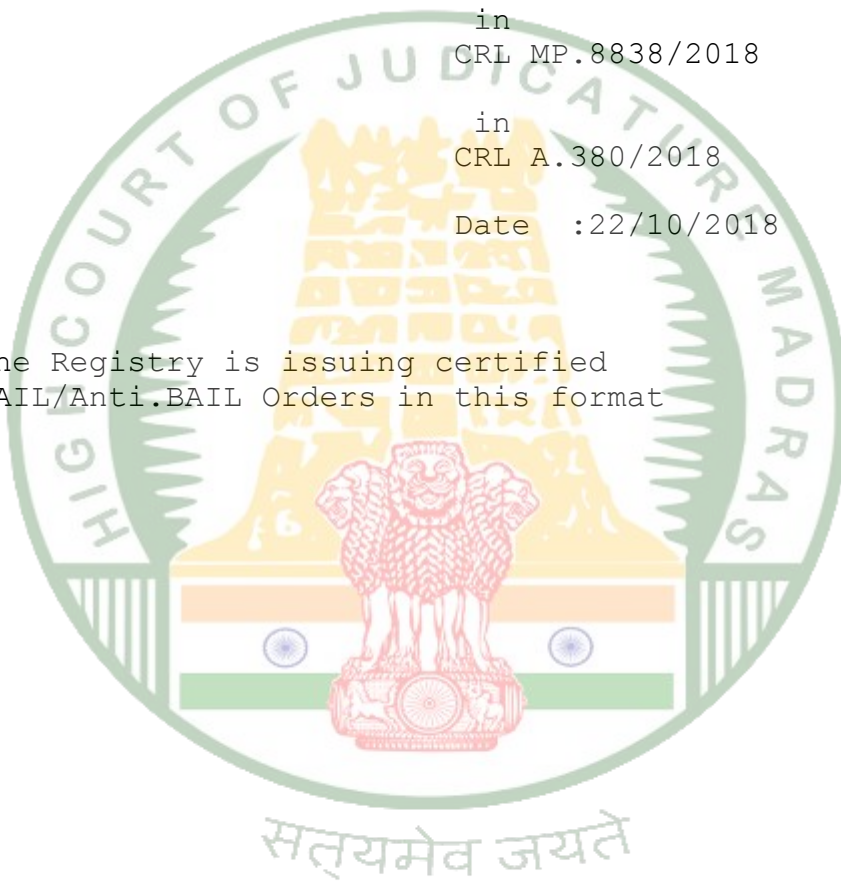
Order

in
CRL MP.8838/2018

in
CRL A.380/2018

Date :22/10/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 23.10.2018



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