

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twelfth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V. MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.3992 of 2018

IN CRL A.161/2018

N.PANNERSELVAM,

[PETITIONER]

Vs

THE INSPECTOR OF POLICE [RESPONDENT]
(L&O), R2 KODAMBAKKAM POLICE STATION,
CHENNAI. CR.NO.548 OF 2009

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.161 OF 2018 on the file of the High Court, the High Court will be pleased to order suspension of the sentence imposed in SC No.67 of 2011 on the file of the Mahila Court, Chennai (Mahallir Neethimandram, Chennai) and enlarge the petitioner on bail pending disposal of the Crl.A.No.161/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.161 of 2018 on the file of the High Court and upon hearing the arguments of MR.R.SINGARAVELAN, SENIOR COUNSEL FOR MR.R.RAMAN LAAL, Advocate for the petitioner and of Mrs.T.P.SAVITHA, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

This Miscellaneous Petition is filed by the petitioner/A1 to suspend the sentence imposed against him in S.C.No.67 of 2011 on 08.03.2018 by the learned Sessions Judge, Mahila Court, Chennai (Mahalir Neethimandram, Chennai) and enlarge him on bail, pending disposal of Crl.A.No.161 of 2018.

2. The petitioner, who is A1 in S.C.No.67 of 2011, has been convicted for the offence under Section 307 IPC and sentenced him to undergo five years Simple Imprisonment and to pay a fine of Rs.10,000/-, in default to undergo further period of six months Simple Imprisonment. Under the said circumstances, the present petition has been filed seeking suspension of the sentence awarded.

3. The case of the prosecution is that the complainant is none other than the wife of A1, whose marriage was a love marriage. Out of their wedlock, they were blessed with two children. Subsequently, A1 along with A2 and A3, who are his mother and sister respectively had started torturing the complainant, beaten the complainant and also

driven her from the matrimonial home. It is further case of the complainant that A1 to A3 also attempted to kill her elder son by setting fire upon him, suspecting the paternity. The Trial Court, after considering the oral and documentary evidence, acquitted A2 and A3 and convicted A1 for the offence as stated supra.

4. Mr.R.Singara Velan, learned Senior Counsel for the petitioner / appellant would submit that based on the hearsay evidence of PW1, which was not even corroborated by any other evidence, the Trial Court has convicted the accused.

5. The learned Government Advocate opposed this petition stating that on the basis of the incriminating materials against A1, the trial Court has rightly convicted him, by acquitting A2 and A3 from the case and therefore, the accused is not entitled to the grant of suspension of sentence and the petition is liable to be dismissed.

6. Apart from this, the learned Government Advocate also strongly opposed that the conviction order was passed only on 08.03.2018 and therefore, prayed for dismissal of the petition.

7. In the light of the submissions made on either side hereinabove, taking into account the grounds of appeal and also the fact that the appeal is not likely to be heard in the near future, this Court is inclined to grant suspension of the sentence to the petitioner / A1.

8. In the result,

a) this petition is ordered;

b) the sentence imposed against the petitioner in S.C.No.67 of 2011 on 08.03.2018 by the learned Sessions Judge, Mahila Court, Chennai (Mahalir Neethimandram, Chennai) is suspended till the disposal of Criminal Appeal No.161 of 2018;

c) the petitioner will be released on bail on his executing a bond for a sum of Rs.10,000/- and two sureties each for a likesum to the satisfaction of the Mahila Court, Chennai (Mahalir Neethimandram, Chennai);

d) and on further condition that he shall appear before the said Court weekly once, viz., on the first working day of every week at 10.30 a.m until further orders.

-sd/-
12/04/2018

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 SESSIONS JUDGE, MAHILA
COURT, CHENNAI (MAHALIR NEETHIMANDRAM,
CHENNAI)

2 THE MAHILA COURT, CHENNAI
(MAHALIR NEETHIMANDRAM, CHENNAI)

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
(L&O), R2 KODAMBAKKAM POLICE STATION,
CHENNAI.

+1 C.C. to M/S.R.RAMAN LAAL Advocate on payment of necessary
charges-Sr.7135

Order

in
CRL MP.3992/2018

in
CRL A.161/2018

Date :12/04/2018

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ths : 13.04.2018