

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twelfth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

and

The Hon`ble Mrs Justice S. RAMATHILAGAM

CRIMINAL MISCELLANEOUS PETITION No.8868 of 2018

IN CRL.A.NO.381 OF 2018

MUNIAPPAN

[PETITIONER / APPELLANT]

Vs

THE INSPECTOR OF POLICE, [RESPONDENT]
NAGARASAMPATTI POLICE STATION,
KRISHNAGIRI DISTRICT.
CR. NO. 309 OF 2015.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.381 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence passed in SC No.159 of 2016 dated 19.03.2018 on the file of the Sessions Judge, Fast Track Mahila Court, Krishnagiri, pending disposal of the above CRL.A.NO.381 OF 2018 [IN CRL.MP.NO.8868 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.381 OF 2018 on the file of the High Court and upon hearing the arguments of MR.A.S.VIJAYARAGHAVAN SENIOR COUNSEL FOR M/S.K.MURUGESAN, Advocate for the petitioner and of MR.K.PRABAKAR, ADDITIONAL 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/Accused was convicted for offence u/s. 302 IPC and sentenced to undergo Life conviction and fine of Rs.1,000/- and on failure to undergo rigorous imprisonment for a period of six months by the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri, under judgment dated 19.03.2018 in S.C.No.159 of 2016. Hence, petitioner seeks suspension of sentence.

2. Learned counsel for petitioner would submit that the petitioner is confined at Central Prison, Vellore 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 Sessions Judge, Fast Track Mahila Court, Krishnagiri 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/-

12/11/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

सत्यमेव जयते TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT, KRISHNAGIRI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE INSPECTOR OF POLICE,
NAGARASAMPATTI POLICE STATION,
KRISHNAGIRI DISTRICT.

+1C.C. to M/S.A.MURUGESAN Advocate on payment of necessary
charges SR NO.21153

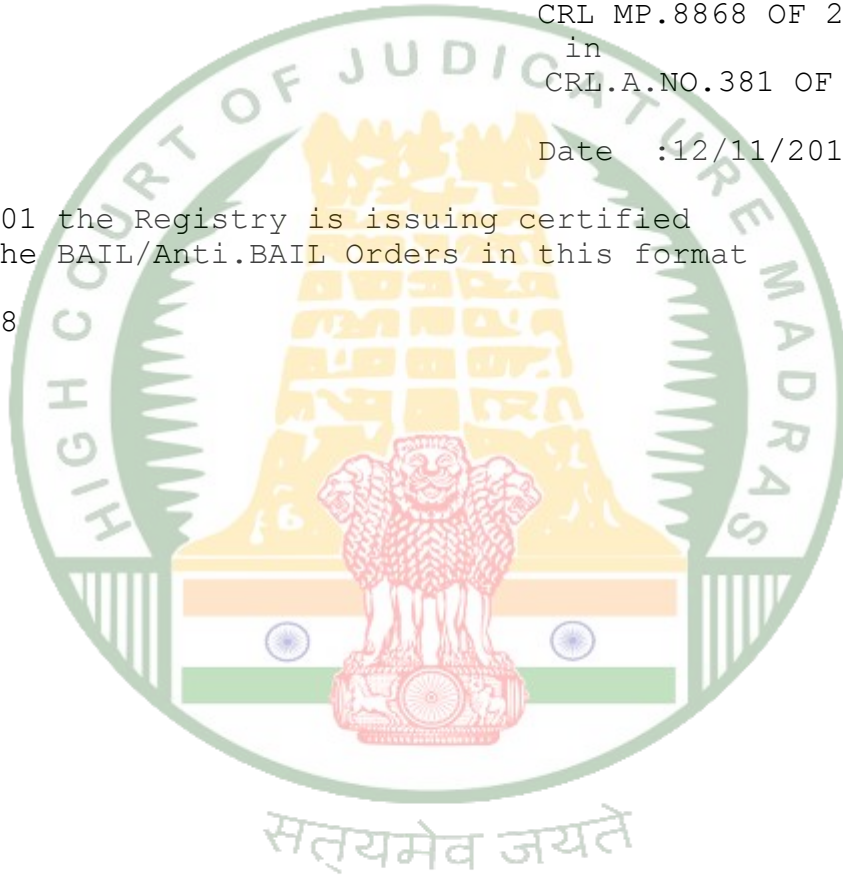
Order

in
CRL MP.8868 OF 2018
in
CRL.A.NO.381 OF 2018

Date :12/11/2018

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

MK:14/11/2018



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