

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eleventh day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION No.4442 of 2018

IN CRL A.187/2018

SARAVANAN

[PETITIONER]

Vs

STATE

[RESPONDENT]

THE INSPECTOR OF POLICE,
N2 KASIMEDU POLICE STATION,
CHENNAI.
CR.NO.920 OF 2012.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.187/2018 on the file of the High Court, the High Court will be pleased to release the petitioner on bail suspending the sentence passed by the learned VII Additional Sessions Judge, Chennai in S.C.No.306 of 2013 on 05.03.2018, pending the above Criminal Appeal.[CRL.MP.NO.4442/2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.187/2018 on the file of the High Court and upon hearing the arguments of M/S.M.V.BALAKRISHNAN Advocate for the petitioner and of MR.R.SURYA PRAKASH Government Advocate on behalf of the Respondent the court made the following order:-

The petitioner was convicted by the learned VII Additional Sessions Judge, Chennai, for the offence under Section 304 Part-I IPC and sentenced to undergo rigorous imprisonment for ten years and to pay a fine of Rs.1,000/- in default, to undergo simple imprisonment for six months in S.C.No.306 of 2013, dated 05.03.2018.

2. Learned counsel appearing for the petitioner would contend that since the petitioner/accused is having a physical handicap in the right hand side and also taking note of the age, he could not have committed the alleged offence and hence, seeks to suspend the sentence imposed by the trial Court.

3. Learned Government Advocate drawn my attention to the discussion made by the trial Court. The petitioner stands charged under Section 302 IPC for committing the offence of pouring kerosene on the victim and set her to flame and based upon the independent witnesses and Doctor witnesses and also the revenue witnesses, the

trial Court has come to a conclusion that the evidence of the prosecution witnesses is cogent and corroborative in respect of the alleged offence and accordingly, laid the conviction. However, taking note of the physical handicap of the petitioner/accused, the Section 302 IPC has been converted into one under Section 304 Part-I IPC and awarded sentence of ten years Rigorous Imprisonment and imposed a fine of Rs.1000 and in default of payment of fine, the accused has to undergo simple imprisonment for six months.

4. After going through the evidence and also the answer elucidated in the cross-examination, I am not inclined to grant suspension of sentence to the petitioner and hence, this miscellaneous petition, seeking suspension of sentence, is dismissed. However, the petitioner/accused is at liberty to move the Court at a later point of time.

-sd/-
11/07/2018

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 VII ADDITIONAL SESSIONS
JUDGE, CHENNAI

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT
CENTRAL PRISON, PUZHAI

5 THE INSPECTOR OF POLICE,
N2 KASIMEDU POLICE STATION, CHENNAI.

+1 C.C. to M/S.M.V.BALAKRISHNAN Advocate on payment of necessary charges SR.NO. 12702

Order

in
CRL MP.4442/2018

in
CRL A.187/2018

Date :11/07/2018

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