

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirteenth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. KALAIYARASAN

CRIMINAL MISCELLANEOUS PETITION No.4651 of 2018

IN CRL A.192/2018

RAJASEKAR

[PETITIONER / APPELLANT]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
B.2, R.S.PURAM POLICE STATION,
COIMBATORE.
CR.NO.853 OF 2015.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.192/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence in C.C.No.8 of 2016 on the file of the II Additional District Judge and Presiding Officer, Special Court for E.C.Act Cases, Coimbatore and enlarge the petitioner on bail pending disposal of the above CRL A.192/2018 [IN CRL.MP.NO.4651 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.192/2018 on the file of the High Court and upon hearing the arguments of M/S.V.JEEVAGIRIDHARAN, Advocate for the petitioner and of MR. G.RAMAR, Govt. 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 petitioner/accused seeking to suspend the order of sentence passed by the learned II Additional District Judge and Presiding Officer, Special Court for E.C. Act Cases, Coimbatore, dated 09.03.2018, in C.C.No.8 of 2016.

3.The petitioner/appellant has been convicted and sentenced to undergo RI for 3 years and to pay a fine of Rs.10,000/- for the offence under Section 8[c] r/w 20[b][ii][B] of NDPS Act, 1985, in default to undergo RI for 6 months.

4.Learned counsel for the petitioner/appellant would submit that the petitioner/appellant had been in custody for more than 2 months in this case, that the quantity of contraband alleged to have been recovered from the petitioner/appellant is 1kg100gms, that he

had been on bail through out the trial, that he is having permanent residence, that there is no independent witness, that the mahazar given to the witness who is an illiterate signed without knowing what the contents is and that the petitioner is having fair chance of acquittal in the appeal and therefore, the sentence may be suspended.

5.Learned Government Advocate [Crl. Side] submits that the trial Court, after analysing the evidence, convicted and sentenced the petitioner/ appellant and opposed the petition for suspension.

6.Considering the fact that the petitioner had been on bail through out the trial, that he is having permanent residence, that he had already been in custody for 2 months in this case 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 a 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 learned Judicial Magistrate-I, Coimbatore 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 till the disposal of the appeal.

-sd/-

13/04/2018

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 II ADDITIONAL DISTRICT
JUDGE AND PRESIDING OFFICER, SPECIAL COURT
FOR E.C. ACT CASES, COIMBATORE.

2 THE JUDICIAL MAGISTRATE,
NO.I, COIMBATORE.

3 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
B.2, R.S.PURAM POLICE STATION,
COIMBATORE.

6 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1C.C. to M/S.V.JEEVAGIRIDHARAN Advocate on payment of
necessary charges SR NO.7224

Order

in
CRL MP.4651/2018

in
CRL A.192/2018

Date :13/04/2018

From 7.2.2001 the Registry is issuing certified
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MK:17/04/2018