

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Tenth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. KALAIYARASAN

CRIMINAL MISCELLANEOUS PETITION No.4776 of 2018

IN CRL A.198/2018

SRIDHAR, [PETITIONER]

Vs

INSPECTOR OF POLICE [RESPONDENT]
C2 ELEPHANT GATE POLICE STATION
(L&O), CHENNAI - 79.
CR.NO.724 OF 2013

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.198/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence passed by the learned IV Addl. Sessions Judge, in S.C.No.67/2014 dated 26.02.2018 and release the petitioner on bail pending disposal of the above said Crl.A.NO.198/2018

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.198/2018 on the file of the High Court and upon hearing the arguments of MR.S. NAMBIRAJAN, Advocate for the petitioner and of MR. M. PRABHAVATHI GANESHRAM, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

Heard both sides.

2.This petition has been filed seeking to suspend the sentence imposed on the petitioner/appellant by the learned IV Additional Sessions Judge, Chennai, dated 26.02.2018, in S.C.No.67 of 2014.

3.The petitioner/appellant has been convicted and sentenced to undergo RI for 5 years and to pay a fine of Rs.1,000/-, in default to undergo SI for 1 month for the offence under Section 304[II] of IPC.

4.Learned counsel for the petitioner/appellant submits that the petitioner had been on bail through out the trial, that he is having permanent residence, that the interested witnesses examined as eye-witnesses only spoke about the occurrence, that too with material contradictions and the petitioner/appellant is having fair chance to get acquittal in the appeal and therefore, the sentence may be suspended.

5.The respondent has filed its counter opposing the suspension of sentence. It is contended on the side of the State that if the sentence imposed on the petitioner/accused is suspended, he may abscond and he will go abroad.

6.Considering the fact that the petitioner/appellant had been on bail through out the trial, the fact that the petitioner is having permanent residence 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 VIII Metropolitan Magistrate, Chennai-1 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/-

10/04/2018

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 IV ADDITIONAL SESSIONS
JUDGE, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, NO.I, PUZHAL, CHENNAI

4 INSPECTOR OF POLICE
C2 ELEPHANT GATE POLICE STATION (L&O),
CHENNAI - 79. CR.NO.724 OF 2013

5 THE VIII METROPOLITAN
MAGISTRATE, CHENNAI 1

6 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

+1 C.C. to M/S.S.NAMBIRAJAN Advocate on payment of
necessary charges Sr.No.6877

Order
in
CRL MP.4776/2018
in
CRL A.198/2018

Date :10/04/2018

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MD: 12/04/2018