

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V. MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.5319 of 2018

CRL.RC.439/2018

M. GANESAN

PETITIONER/PETITIONER

Vs

THE STATE OF TAMILNADU
REPRESENTED BY THE INSPECTOR OF POLICE
VEPPANKUPPAM POLICE STATION,
CR.NO.10/2015

RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.RC.No.439/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment confirmed by the Hon'ble Principal District and Sessions Judge, Vellore made in C.A.No.16 of 2017 dated 13.10.2017 confirming the judgment dated 14.12.2016 passed in C.C.No.177 of 2015 on the file of the learned Judicial Magistrate III, Vellore, pending disposal of the above Crl.RC.No.439/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.439/2018 on the file of the High Court and upon hearing the arguments of MR.V. KARTHIKEYAN, Advocate for the petitioner, and Government Advocate (Crl.Side) the court made the following order:-

Petitioner faced trial in C.C.No.177 of 2015 on the file of learned Judicial Magistrate III, Vellore. Trial Court, under judgment, dated 14.12.2016, convicted petitioner for offences u/s.354 IPC and 4 of Tamil Nadu Prohibition of Harassment of Women Act and sentenced to 1 year S.I. and to pay a fine of Rs.1,000/- in default 1 month S.I. for offence u/s.354 IPC and 1 year S.I. and to pay a fine of Rs.10,000/- in default 3 months S.I. for offence u/s.4 of Tamil Nadu Prohibition of Harassment of Women Act. Against such finding, petitioner preferred C.A.No.16 of 2017 on the file of learned Principal District and

Sessions Judge, Vellore, Vellore District, which came to be dismissed under judgment dated 13.10.2017. Hence, this miscellaneous petition has been filed seeking suspension of sentence.

2. Learned counsel for the petitioner would submit that there are several infirmities and inconsistencies in the prosecution case. He would further submit that the petitioner are in Central Prison, Vellore.

3. The learned Government Advocate (Crl.side) would strongly object for granting bail to the petitioner.

4. Taking into consideration the submissions of learned counsel for the petitioner and that the revision is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein may be granted the relief of suspension of sentence.

5. Considering the nature of incarceration in jail, this Court is inclined to grant bail to the petitioner. 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 Judicial Magistrate No.III, Vellore and on further condition that the petitioner shall appear before the concerned Court on the first working day of every month at 10.00 a.m. pending revision.

-sd/-
28/03/2018

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 PRINCIPAL DISTRICT
AND SESSIONS JUDGE, VELLORE

2 THE JUDICIAL MAGISTRATE,
NO.III, VELLORE

3 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

+1 C.C. To MR. V. KARTHIKEYAN Advocate on payment of
necessary charges Sr.No.6257

Order
in
CRL MP.5319/2018
in
CRL RC.439/2018

Date :28/03/2018

From 7.2.2001 the Registry is issuing certified
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MD: 28/03/2018