

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.5677 of 2018

IN CRL A.237/2018

1 MAHENDIRAN @ MANNARMANNAN [PETITIONERS]
2 SURESH,

Vs

STATE BY [RESPONDENT]
INSPECTOR OF POLICE, KANDHIKUPPAM POLICE
STATION, KRISHNAGIRI DISTRICT

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl. A. No.237/2018 file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioners vide judgment dated 27.03.2018 made in SC No.131/2017 on the file of the Principal Sessions Judge, Krishnagiri and enlarge the petitioners on bail pending disposal of the above criminal appeal

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.237/2018 on the file of the High Court and upon hearing the arguments of M/S.T.SATHIYAMOORTHY, Advocate for the petitioner and of MR.M. PRABAVATHI GANESH RAM, 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 both the petitioners/appellants by the learned Principal Sessions Judge, Krishnagiri, dated 27.03.2018, in S.C.No.131 of 2017.

3.The petitioners/appellants have been convicted and sentenced to undergo RI for 1 year and to pay a fine of Rs.2,000/- with default clause for the offence under Section 3 [i] of TNPPDL Act, 1992, r/w Section 34 of IPC and also to undergo RI for 4 months for the offence under Section 323 r/w

Section 34 of IPC.

4.Learned counsel for the petitioners/appellants contend that the petitioners had been on bail through out the trial, that the sentence imposed on them have also suspended by the trial Court till 10.04.2018, that the conductor and driver of the bus, who spoke about the occurrence identified the accused in the police station and no identification parade was conducted and there is a fair chance of getting acquittal in the appeal and therefore, the sentence may be suspended.

5.Learned Additional Public Prosecutor opposes the petition for suspension of sentence. She contends that the trial Court after analysing the evidence, has rightly found the appellants guilty and convicted them.

6.Considering the fact that the petitioners/appellants had been on bail through out the trial and the sentence imposed on them have been suspended by the trial Court till 10.04.2018 and 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 separate 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 Principal Sessions Judge, Krishnagiri and on further condition that the petitioners 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 PRINCIPAL SESSIONS
JUDGE, KRISHNAGIRI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 STATE BY
INSPECTOR OF POLICE, KANDHIKUPPAM POLICE
STATION, KRISHNAGIRI DISTRICT

+1 C.C. to M/S.T.SATHIYAMOORTHY Advocate on payment of
necessary charges Sr.No.6897

Order
in
CRL MP.5677/2018
in
CRL A.237/2018

Date :10/04/2018

From 7.2.2001 the Registry is issuing certified
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MD: 12/04/2018