

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.5683 of 2018

IN CRL A.238/2018

SEKAR

[PETITIONER]

Vs

THE STATE REP BY ITS,
THE DEPUTY SUPERINTENDENT OF POLICE,
UTHANGARAI,
KRISHNAGIRI DISTRICT
CR.NO.404 OF 2017.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.238/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed against the petitioners in S.C.No.140/2017 on the file of the Learned Principal Sessions Judge, Krishnagiri Krishnagiri District dated 03.04.2018 and enlarge the petitioner on bail pending disposal of the said Crl.A.No.238 of 2018 on the file of this Honble Court.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.238/2018 on the file of the High Court and upon hearing the arguments of M/S.E.KANNADASAN Advocate for the petitioner and of MR.S. M.PRABARATHI GANESH RAM Addl. 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 Principal Sessions Judge, Krishnagiri, dated 03.04.2018, in S.C.No.140 of 2017.

3.The petitioner/appellant has 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[1][r][s] of SC/ST [POA] Act, 2015 [Act 1/2016] and also to undergo SI for 1 month for the offence under Section 323 of IPC.

4.Learned counsel for the petitioner/appellant submits that the petitioner had been on bail through out the trial and the sentence imposed on the accused has been suspended by the trial Court till 18.04.2018, that there is no evidence to establish that the occurrence happened in the public view and that the petitioner is having 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.

6.Considering the fact that the petitioner/appellant had been on bail through out the trial and the sentence imposed has already been suspended by the trial Court till 18.04.2018 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 District Munsif-cum-Judicial Magistrate, Uthangarai 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 DISTRICT MUNISF-CUM
JUDICIAL MAGISTRATE, UTHANGARAI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
UTHANGARAI, KRISHNAGIRI DISTRICT

+1 C.C. to M/S.E.KANNADASAN Advocate on payment of necessary
charges SR.NO. 6863

Order

in
CRL MP.5683/2018

in
CRL A.238/2018

Date :10/04/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 12/04/2018