

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Fourteenth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION No.5788 of 2018

IN CRL A.245/2018

KADIRIYAPPAN

[ PETITIONER ]

Vs

THE STATE REP BY ITS,  
THE INSPECTOR OF POLICE,  
VELLORE TALUK CIRCLE,  
VELLORE DISTRICT.  
CR.NO.38 OF 2013 OF  
VIRINJIPURAM POLICE STATION.

[ RESPONDENT ]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.245/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed upon the Petitioner / Appellant in S.C.No.154/2013 dated 28.03.2018 on the file of I Additional District and Session Judge, Vellore pending disposal of the Criminal Appeal before this Honble Court and enlarge the Petitioner on bail.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.245/2018 on the file of the High Court and upon hearing the arguments of M/S.M.MALAR, Advocate for the petitioner and of MR.R.SURYA PRAKASH, GOVERNMENT ADVOCATE on behalf of the Respondent the court made the following order:-

According to the prosecution case, the accused has driven the bus under the influence of alcohol and caused grievous injury to 6 persons. The trial Court after consideration of the evidence let in by prosecution to effect that the accused had consumed alcohol and had driven the vehicle in a rash and negligent manner and based upon other evidences, the trial Court has convicted the appellant under Section 304(ii) IPC (3 counts) and 308 IPC (6 counts)

2. The learned counsel for the petitioner has drawn my attention to the evidence of the prosecution witnesses and the answers elicited in the cross examination.

3.The learned Govt.Advocate (crl.side) has drawn the attention of this Court to the evidence of P.W.6 and submitted that the evidence of the prosecution witnesses would support the case of the prosecution.

4. Heard both sides and perused the materials available on record.

5. Considering the entire nature of the case and the facts and circumstances of the case and the evidence appreciated by the trial Court, I am not inclined to suspend the sentence for the present. It is open to the petitioner/appellant to move the petitioner for suspension of sentence at a later point of time.

-sd/-  
14/06/2018

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 I ADDITIONAL DISTRICT AND  
SESSIONS JUDGE, VELLORE.

2 THE INSPECTOR OF POLICE,  
VELLORE TALUK CIRCLE,  
VELLORE DISTRICT.

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 C.C. to M/S.M.MALAR Advocate on payment of necessary  
charges in SR.NO. 10769

Order

in  
CRL MP.5788/2018

in  
CRL A.245/2018

Date :14/06/2018

From 7.2.2001 the Registry is issuing certified  
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MLT-19/06/2018