

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. KALAIYARASAN

CRIMINAL MISCELLANEOUS PETITION No.6099 of 2018

IN CRL A.257/2018

ARUCHAMY,

[PETITIONER]

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE DEPUTY SUPERINTENDENT OF POLICE,
ANIMALAI POLICE STATION VALPARAI SUB DIVISON
ERODE DISTRICT CR.NO.224 OF 2014.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.257/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment imposed in the judgment dated 11.04.2018 made in S.C.No.6 of 2015 on the file of the Principal District and Sessions Judge, Coimbatore and enlarge the petitioner on bail pending disposal of the above Criminal Appeal before this Honble Court.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.257/2018 on the file of the High Court and upon hearing the arguments of M/S.D.R.ARUN KUMAR, Advocate for the petitioner and of MR. M. PRABHAVATHI GANESH RAM, Additional Public Prosecutor for on behalf of the Respondent the court made the following order:-

Heard both sides.

2.This petition has been filed by the petitioner seeking to suspend the order of sentence passed by the learned Principal District and Sessions Judge, Coimbatore, dated 11.04.2018, in Special S.C.No.6 of 2015.

3.The petitioner/appellant has been convicted and sentenced to undergo imprisonment for 2 years and to pay a fine of Rs.5,000/-, in default SI for 2 months for offence under Section 3[1][r] of SC/ST [POA] Amendment Ordinance, 2014

and to undergo imprisonment for 1 year and to pay a fine of Rs.1,000/-, in default SI for 1 month for offence under Section 323 of IPC r/w Section 3[2][v-a] of SC/ST [POA] Amendment Ordinance, 2014 and to pay a fine of Rs.1,000/-, in default SI for one month for offence under Section 294[b] of IPC r/w Section 3[2][v-a] of SC/ST [POA] Amendment Ordinance, 2014.

4.Learned counsel for the petitioner/appellant submits that the petitioner had been on bail through out the trial, that the sentence has been suspended by the trial Court till 11.05.2018, that there was delay of 2 days in lodging the complaint, that there is no independent witness to the occurrence and therefore, the petitioner is having fair chance of acquittal in the appeal and therefore, the sentence may be suspended.

5.Learned Additional Public Prosecutor submits that the trial Court, after analysing the evidence, convicted the petitioner/appellant for the offences. It is further contended that the persons in the locality are the ocular witnesses and the prosecution has brought home the guilt of the accused. However, learned Additional Public Prosecutor concedes that the petitioner/appellant had been on bail through out trial and the trial Court had suspended the sentence.

6.Considering the fact that the petitioner/appellant had been on bail through out the trial, that he is having permanent residence, the fact that the sentence has already been suspended by the trial Court 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 Judicial Magistrate-I, Pollachi 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/-

18/04/2018

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 DISTRICT
AND SESSIONS JUDGE, COIMBATORE

2 THE JUDICIAL MAGISTRATE,
NO.I, POLLACHI

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATE REP BY ITS,
THE DEPUTY SUPERINTENDENT OF POLICE,
ANIMALAI POLICE STATION VALPARAI SUB DIVISON
ERODE DISTRICT

+1 C.C. to M/S.D.R.ARUN KUMAR Advocate on payment of
necessary charges Sr.No.7645

Order
in
CRL MP.6099/2018
in
CRL A.257/2018

Date :18/04/2018

From 7.2.2001 the Registry is issuing certified
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MD: 20/04/2018