

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Third day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. KALAIYARASAN

CRIMINAL MISCELLANEOUS PETITION No.6292 of 2018

IN CRL A.559/2017

1 DINESH @ DINESHKUMAR, [APPELLANTS/ACCUSED]
2 DEVANATHAN
3 SILAMBU @ SILAMBARASAN @
SELVAKUMAR,
4 RAGHURAMAN,

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
CUDDALORE O.T. POLICE STATION,
CUDDALORE DISTRICT
CR.NO.167 OF 2016.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.559 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioners herein by the Learned I Additional District & Sessions Judge Cuddalore in S.C.No.179 of 2017 dated 28.07.2017 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal No.559 of 2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.559 of 2017 on the file of the High Court and upon hearing the arguments of MR.V.VENKATESAN, FOR M/S.A.ARASU GANESAN, Advocate for the petitioner and of MRS.PRABHAVATHI 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 by the petitioners/A1,A3,A4 and A6 seeking to suspend the order of sentence imposed on them by the learned I Additional District and Sessions Judge, Cuddalore in S.C.No.179 of 2016 dated 28.07.2017.

3.The petitioners who are A1,A3,A4 and A6 have been convicted and sentenced to undergo RI for 10 years and to pay a fine of Rs.1,000/- each, in default to undergo SI for 3 months for the offence under Section 326 r/w 149 of IPC.

4.Learned counsel for the petitioners/appellants submits that the petitioners have undergone 10 months in jail, that they are having permanent residence, that the sentence imposed on co-convicts A2,A5,A7 and A8 have already been suspended and therefore, the sentence imposed on the petitioners/appellants may be suspended.

5.Learned Additional Public Prosecutor concedes the suspension of sentence for the co-convicts and argued for onerous condition.

6.Considering the duration of custody already undergone by the petitioners/appellants, the fact that the sentence imposed on co-convicts have already been suspended, the fact that the petitioners/appellants are having permanent residence 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 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 learned I Additional District and Sessions Judge, Cuddalore and on further condition that the petitioners/appellants 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/-
23/04/2018

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 I, ADDL. DISTRICT AND
SESSIONS JUDGE, CUDDALORE.

2 THE PRINCIPAL SESSIONS JUDGE,
CUDDALORE. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
CUDDALORE O.T.POLICE STATION,
CUDDALORE DISTRICT

+1 C.C. to M/S.A.ARASU GANESAN Advocate on payment of necessary
charges-Sr.7883

Order

in
CRL MP.6292/2018

in
CRL A.559/2017

Date :23/04/2018

From 7.2.2001 the Registry is issuing certified
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ths : 24.04.2018