

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Second day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION No.6538 of 2018

IN CRL A.196/2017

CHENNAKRISHNAN,

[PETITIONER/APPELLANT/ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KUMARAPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.
CR.NO.440 OF 2010

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.196 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in S.C No.78 of 2011 dated 14.03.2017 on the file of Additional Sessions Judge, Namakkal and enlarge the petitioner on bail pending disposal of the above Crl.A.No.196 of 2017 on the file of this Hon'ble Court.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.196 of 2017 on the file of the High Court and upon hearing the arguments of M/S.R.SANKARASUBBU, Advocate for the petitioner and of Mr.R.SURYA PRAKASH, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

This petition is filed by the petitioner seeking suspension of sentence imposed against him by the learned Additional Sessions Judge, Namakkal, in S.C.No.78 of 2011 on 14.03.2017 pending disposal of the above Criminal Appeal on the medical ground that he is mentally ill and taking treatment in Bangalore.

2. After hearing the learned counsel appearing for the petitioner Mr.R.Sankarasubbu, this Court directed the Government Advocate to get a report from the Prison authority viz., Superintendent of Prison, Central Prison, Coimbatore about the present health condition of the petitioner/accused, who is now taking treatment at National Institute of Mental Health and Neuro Sciences, Bangalore and on 21.04.2018, the National Institute of Mental Health and Neuro Sciences, Bangalore, has addressed a letter to the High Court stating that the petitioner is taking treatment since 28.03.2018 and has been diagnosed to have Bipolar Affective disorder in remission & Vitamin B12 deficiency and

the patient needs to be on long term medications. So also the Superintendent of Prisons, Central Prison, Coimbatore, has addressed a letter dated 18.06.2018 to the Director, National Institute of Mental Health and Neuro Sciences, Bangalore. The Inspector of Police, Kumarapalayam police station, Namakkal also addressed a letter to the Government Advocate that the petitioner is taking treatment at Bangalore Nimons Mental Health Institute from 27.03.2018.

3. Taking note of the mental health condition of the petitioner as could be seen from the letter of the National Institute of Mental Health and Neuro Sciences, Bangalore and also from the other connected letters, this Court is inclined to suspend the sentence imposed by the trial Court.

4. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on his 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, Thiruchengode, 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.

5. It is brought to the notice of this Court by the learned counsel appearing for the petitioner that the petitioner's wife will look after the petitioner. Considering the mental condition, this Court directs the wife of the petitioner to file necessary affidavit of undertaking before the trial Court that she will look after the petitioner and also report to the trial Court once in three months regarding the health condition of the petitioner along with necessary certificates.

-sd/-
22/06/2018

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 JUDICIAL MAGISTRATE,
THIRUCHENGODE.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE ADDL. SESSIONS JUDGE,
NAMAKKAL.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
KUMARAPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

7 THE DIRECTOR,
NATIONAL INSTITUTE OF MENTAL HEALTH AND
NEURO SCIENCES, BANGALORE.

+1 C.C. to M/S.R.SANKARASUBBU Advocate on payment of necessary
charges-Sr.11355

Order

in
CRL MP.6538/2018

in
CRL A.196/2017

Date :22/06/2018

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