

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fourth day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

and

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL MISCELLANEOUS PETITION No.6674 of 2018

IN CRL A.282/2018

LAKSHMANAN

[PETITIONER]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
CHEYYUR POLICE STATION,
KANCHEEPURAM, DISTRICT
CR.NO.512 OF 2013.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.282/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence and conviction imposed against the petitioner by the Learned Mahalir Neethi Mandram Sessions Court, Chengalpattu, Kancheepuram District on 02.04.2018 in S.C.No.226 of 2014 and enlarge the Petition on bail pending disposal of the said Criminal Appeal No.282 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.282/2018 on the file of the High Court and upon hearing the arguments of M/S.R.VIJAYA KUMAR Advocate for the petitioner and of MR.R.PRATHAP KUMAR Additional public prosecutor on behalf of the Respondent the court made the following order:-

(Order of the court was made by C.T.SELVAM.J)

Petitioner was convicted for offence U/s.302 IPC and sentenced to undergo Life imprisonment and fine of RS.10,000/i/d 6 months S.i.by learned Sessions Judge, Mahila Court,Chengalpet under judgment dated 02.04.2018 in S.C.No.226 of 2014. Hence, petitioner seeks suspension of sentence.

2.Learned counsel for petitioner would submit that the petitioner is confined at Central Prison, Puzhal,Chennai, and there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in the material particulars

between the evidence of the prosecution witnesses. Learned counsel further submits that the petitioner has paid the fine amount.

3. Heard learned Additional Public prosecutor on the submissions made by learned counsel for petitioner.

4. Considering the facts and circumstances of the case and in view of the fact that the petitioner has been in custody, that there are several infirmities in the prosecution case and there are arguable points involved in the appeal, as contended by learned counsel for petitioner, and further the appeal is not likely to be taken up for final hearing in the near future, this court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond in a sum of Rs.10,000/ (Rupees ten thousand only) with two sureties each of a like sum to the satisfaction of the learned Judicial Magistrate, Mathuranthagam, Kancheepuram District 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. Pending appeal.

-sd/-

24/08/2018

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,
MATHURANTHAGAM, KANCHEEPURAM DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE SESSIONS JUDGE,
MAHILA COURT, CHENGALPET

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
CHEYYUR POLICE STATION,
KANCHEEPURAM, DISTRICT

6 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI

+1 C.C. to M/S.R.VIJAYA KUMAR Advocate on payment of necessary
charges SR.NO. 15614

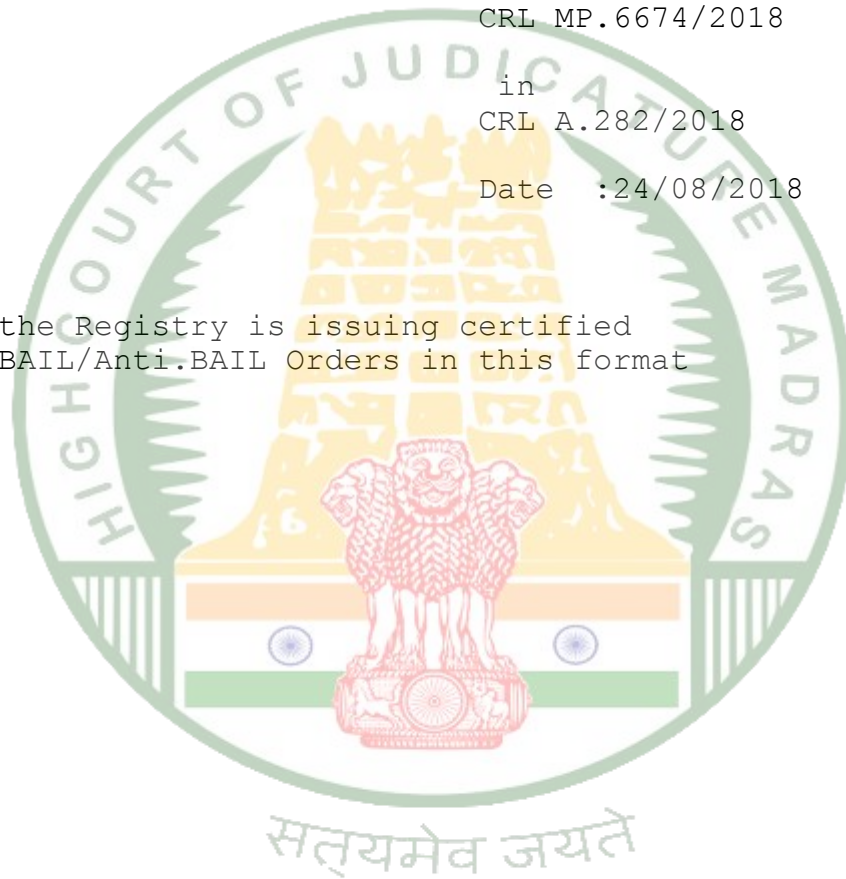
Order

in
CRL MP.6674/2018

in
CRL A.282/2018

Date :24/08/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 24/08/2018



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