

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eleventh day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION No.6746 of 2018

IN CRL RC.103/2018

BABU

[PETITIONER]

Vs

THE INSPECTOR OF POLICE
PALLIKONDA POLICE STATION,
VELLORE DISTRICT,
CR.NO.510 OF 2012.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.103/2018 on the file of the High Court, the High Court will be pleased to suspend the sentences imposed on the petitioner by the Learned Assistant Sessions Judge Cum Chief Judicial Magistrate Vellore District, in S.C.NO.96 of 2013 by Judgement dated 02/02/2016 which was confirmed by the Appellate Court in C.A.No.4 of 2016 by Judgement dated 21/12/2017 on the file of the Learned Additional District and Sessions Judge, (FTC) Vellore, Vellore District and enlarge the petitioner on Bail Pending disposal of the above Crl.R.C.No.103 of 2018 on the file of this Honble Court.[CRL.MP.NO.6746/2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.103/2018 on the file of the High Court and upon hearing the arguments of M/S. V.RAJAMOHAN Advocate for the petitioner and of MR.R.SURYA PRAKASH Government Advocate on behalf of the Respondent the court made the following order:-

The petitioner, who is arrayed as A.1, seeks suspension of sentence imposed on him by the learned Assistant Sessions Judge-cum-Chief Judicial Magistrate, Vellore District in S.C.No.96 of 2013, by judgment dated 02.02.2016, pending disposal of the above criminal revision.

2. It is seen from that records that a final report has been filed against 10 accused for the alleged offences under Sections 147, 148, 294(b), 341, 333, 353, 506 (ii) and 307 r/w. 149 IPC. After trial, the learned Assistant Sessions Judge-cum-Chief Judicial Magistrate, Vellore, convicted the petitioner herein/A.1 for the alleged offence under Section 147 IPC and imposed a fine of Rs.500/- in default to undergo simple imprisonment for three months; convicted under Section 294 (b) IPC and imposed a fine of Rs.500/- in default

to undergo simple imprisonment for one month; convicted under Section 341 IPC and imposed a fine of Rs.500/- in default to undergo simple imprisonment for fifteen days; convicted under Section 353 IPC and imposed a fine of Rs.500/- in default to undergo simple imprisonment for one month; convicted under Section 326 IPC and sentenced to undergo rigorous imprisonment for five years and to pay a fine of Rs.2,000/- in default to undergo simple imprisonment for three months and convicted under Section 333 IPC and sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.1000/- in default to undergo simple imprisonment for three months. On appeal in CrI.A.No.4 of 2016, the said conviction and sentence imposed by the trial Court was confirmed by the learned Additional District Judge (Fast Track Court), Vellore, by judgment dated 21.12.2017. As against which, the present criminal revision case is filed.

3. Learned counsel appearing for the petitioner submitted that in the group clash, some one has thrown stone on the right eye of P.W.1, which has caused impairment of vision and the trial Court has not properly appreciated the evidence and erroneously, convicted the petitioner herein/A.1 for the offence under Section 326 IPC.

4. After going through the evidence and also seeing the records, it appears that the evidence of P.W.1, P.W.2 and P.W.7 are clear and cogent which makes it clear that A.2 to A.10 were present in the unlawful assembly and in view of the clear evidence that the petitioner/A.1 pelted the brick stone on P.W.1 and caused grievous injury viz., loss of vision on the right eye of P.W.1, the evidence indicated stands on a better weightage as against the other prosecution witnesses. P.W.5-Doctor has deposed recording the impairment of the vision of P.W.1. The trial Court has given a finding that P.W.1, P.W.2 and P.W.7 are well acquainted with all the accused herein and as they have been previous cases pending in the respective police station, both the Courts below have concurrently held that it is sufficient to identify the role of the accused herein by ocular prosecution witnesses at the time of evidence. Accordingly, I am not inclined to grant interim suspension to the petitioner for the present.

5. In the result, this petition, seeking suspension of sentence, is dismissed for the present.

-sd/-
11/07/2018

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 ASSISTANT SESSIONS JUDGE
CUM CHIEF JUDICIAL MAGISTRATE,
VELLORE DISTRICT

2 THE ADDITIONAL DISTRICT JUDGE
FAST TRACK COURT, VELLORE

3 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

5 THE INSPECTOR OF POLICE
PALLIKONDA POLICE STATION,
VELLORE DISTRICT,

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S. V. RAJAMOHAN Advocate on payment of necessary
charges SR.NO. 12891

Order

in
CRL MP.6746/2018

in
CRL RC.103/2018

Date :11/07/2018

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