

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Tenth 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.6776 of 2018

IN CRL A.285/2018

NANDAKUMAR

[PETITIONER]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
POOLAMPATTY POLICE STATION,
EDAPPADI TALUK,
SALEM DISTRICT.
CR.NO.246 OF 2015

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.285/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence dated 16.04.2018 imposed in SC NO.264 of 2016 on the file of the III Additional District and Sessions Judge, Salem, pending disposal of the main Criminal Appeal.No.285/2018.[CRL.MP.NO.6776/2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.285/2018 on the file of the High Court and upon hearing the arguments of M/S.T.SAI KRISHNAN Advocate for the petitioner and of MR.R.RAVICHANADRAN Government Advocate on behalf of the Respondent the court made the following order:-

Petitioner was convicted for offences u/s.417, 449, 302, 392, 201, 414 IPC and sentenced to undergo 3 years rigorous imprisonment for offence u/s 419 IPC and life imprisonment and fine of Rs.1,000/- i/d 6 months R.I. for offence u/s.449 IPC and life imprisonment and fine of Rs.1,000/- i/d 6 months R.I. for offence u/s.302 IPC and 10 years R.I and fine of Rs.1,000/- i/d 6 months R.I. for offence u/s.392 IPC and 7 years R.I and fine of Rs.1,000/- i/d 3 months R.I. for offence u/s.201 IPC and fine of Rs.1,000/- i/d 3 months S.I for offence u/s.414 IPC by learned III Additional District and Sessions Judge, Salem, under judgment dated 16.04.2018 in S.C.No.264 of 2016. Trial Court directed that sentences run concurrently. Hence, petitioner seeks suspension of sentence.

2. Learned counsel for petitioner would submit that the petitioner is confined at Central Prison, Coimbatore, 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 for a like sum to the satisfaction of the learned Judicial Magistrate-I, Sankagiri 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/-
10/08/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

WEB COPY

TO

1 THE III ADDITIONAL DISTRICT
AND SESSIONS JUDGE, SALEM

2 THE JUDICIAL MAGISTRATE,
NO.I, SANKAGIRI

3 THE CHIEF JUDICIAL MAGISTRATE
<https://hcservices.ecourts.gov.in/hcservices/>
SALEM[FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
POOLAMPATTY POLICE STATION,
EDAPPADI TALUK, SALEM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS

+1 C.C. to M/S.T.SAI KRISHNAN Advocate on payment of necessary
charges SR.NO. 14945

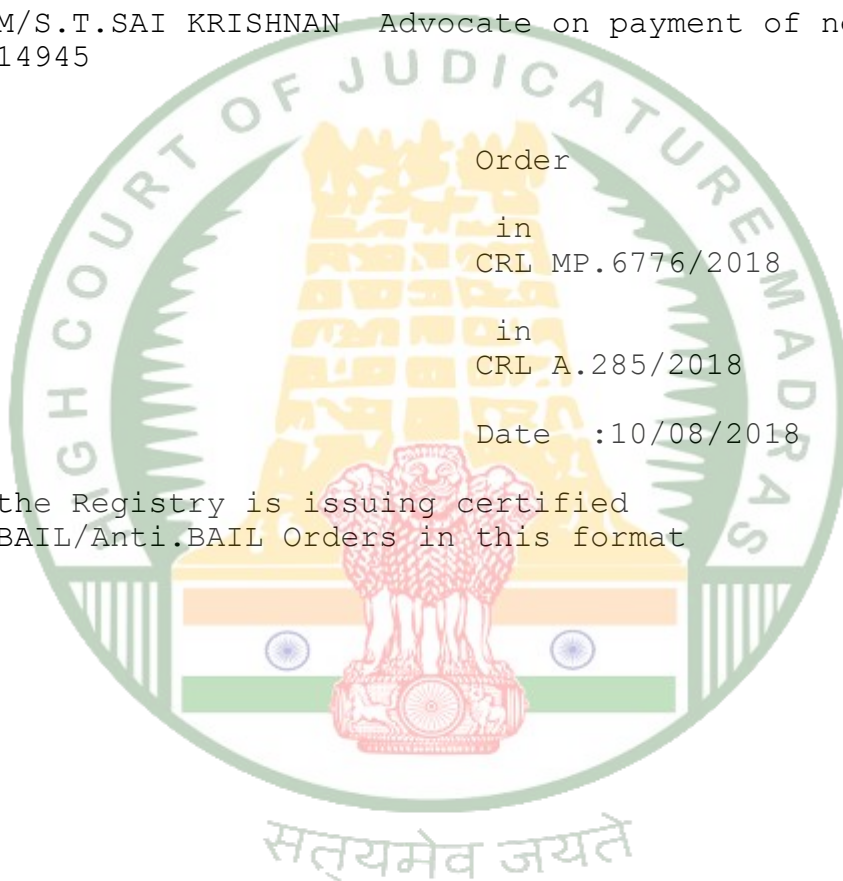
Order

in
CRL MP.6776/2018

in
CRL A.285/2018

Date :10/08/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 11/08/2018



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