

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fifth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL MISCELLANEOUS PETITION No.6970 of 2018

IN CRL A.295/2018

SASIKUMAR

[PETITIONER]

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE DEPUTY SUPERINTENDENT OF POLICE,
NAMAKKAL SUB DIVISION,
NAMAKKAL DISTRICT.
CR.NO.148 OF 2015.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.295/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence passed in S.C.No.17 of 2014 dated 17.04.2018 by the Principal Sessions Judge, Namakkal and grant bail pending disposal of the above CRL A.295/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.295/2018 on the file of the High Court and upon hearing the arguments of M/S.S.GANESHKUMAR, Advocate for the petitioner and of M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioner herein has filed the above appeal against the judgment of conviction and sentence passed by the learned Principal Sessions Judge, Namakkal on 17.04.2018.

2. The learned Sessions Judge found guilty of the petitioner under Section 326 IPC and sentenced him to undergo rigorous imprisonment for three years and also imposed a fine of Rs.5,000/- in default of payment of fine to undergo simple imprisonment for one year. He was further convicted under Section 324 IPC and sentenced him to undergo rigorous imprisonment for one month and also convicted under section 294 (b) IPC and sentenced to pay a fine of Rs.1,000/- in default of payment of fine to undergo simple imprisonment for one month. The above sentences are ordered to be run concurrently and also ordered for a set off under Section 428 Cr.P.C. The petitioner has paid the fine amount before the Trial Court and the Trial Court has suspended the sentence.

3. The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the case. He, therefore, submitted that the Trial Court has failed to appreciate the evidence in proper perspective and hastily came to the conclusion that the petitioner herein has committed offence. He further submitted that the petitioner is having valuable points for arguments in the above appeal and he was on bail during trial and regularly appeared before the Trial court and hence he requests for suspension of sentence.

4. The learned Additional Public Prosecutor has submitted that since the petitioner has been convicted under Sections 326, 324, 294 (b) IPC and if the petitioner is released on bail, he may abscond and hence she opposed this petition.

5. Considering the submissions made by the learned counsel for the petitioner that the petitioner is having valid points for argument in the above appeal and also the fact that throughout the trial the petitioner was on bail and he regularly appeared before the Trial Court and also the fact that the Trial Court has suspended the sentence awarded to the petitioner, this Court is inclined to allow this petition. The sentence awarded by the Trial Court is suspended till the disposal of the Appeal.

6. 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 for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of learned Principal Sessions Judge, Namakkal and on further condition that the petitioner shall appear before the Trial court on the first working day of every month at 10.30. a.m. pending appeal.

-sd/-
25/05/2018

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 PRINCIPAL SESSIONS JUDGE,
NAMAKKAL.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
NAMAKKAL SUB DIVISION,
NAMAKKAL DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S.S.GANESHKUMAR Advocate on payment of necessary
charges in SR.NO. 9523

Order

in
CRL MP.6970/2018

in
CRL A.295/2018

Date :25/05/2018

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MLT-28/05/2018