

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Nineteenth day of September 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.6997 of 2018

IN CRL A.299/2018

KUMARESAN,

[PETITIONER/APPELLANT]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
VEERANAM POLICE STATION,
SALEM DISTRICT.
CR.NO.538 OF 2003.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.299 OF 2018 on the file of the High Court, the High Court will be pleased to Suspend the sentence passed against Petitioner/Appellant in Sessions Case No.34 of 2005 dated 12.04.2018 by the Ist Additional District cum Sessions Judge, Salem and enlarge petitioner on bail pending disposal of the accompanying Criminal Appeal No.299 of 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.299 of 2018 on the file of the High Court and upon hearing the arguments of MR.A.RAMESH, SENIOR COUNSEL FOR M/S.A.NAGARATHINAM, Advocate for the petitioner and of MR. R.PRATHAP KUMAR, ADDL. 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 r/w 149 IPC and sentenced to undergo Life imprisonment and fine of Rs.5,000/- i/d 6 months S.I. for offence u/s 302 r/w 149 IPC by learned I Additional District and Sessions Judge, Salem, under judgment dated 12.04.2018 in S.C.No.34 of 2005. 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-IV, Salem, 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/-

19/09/2018

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,
NO.IV, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE I, ADDL. DISTRICT CUM
SESSIONS JUDGE, SALEM.

4 ^THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
VEERANAM POLICE STATION,
SALEM DISTRICT.

+1 C.C. to M/S.A.NAGARATHINAM Advocate on payment of necessary
charges-Sr.17736

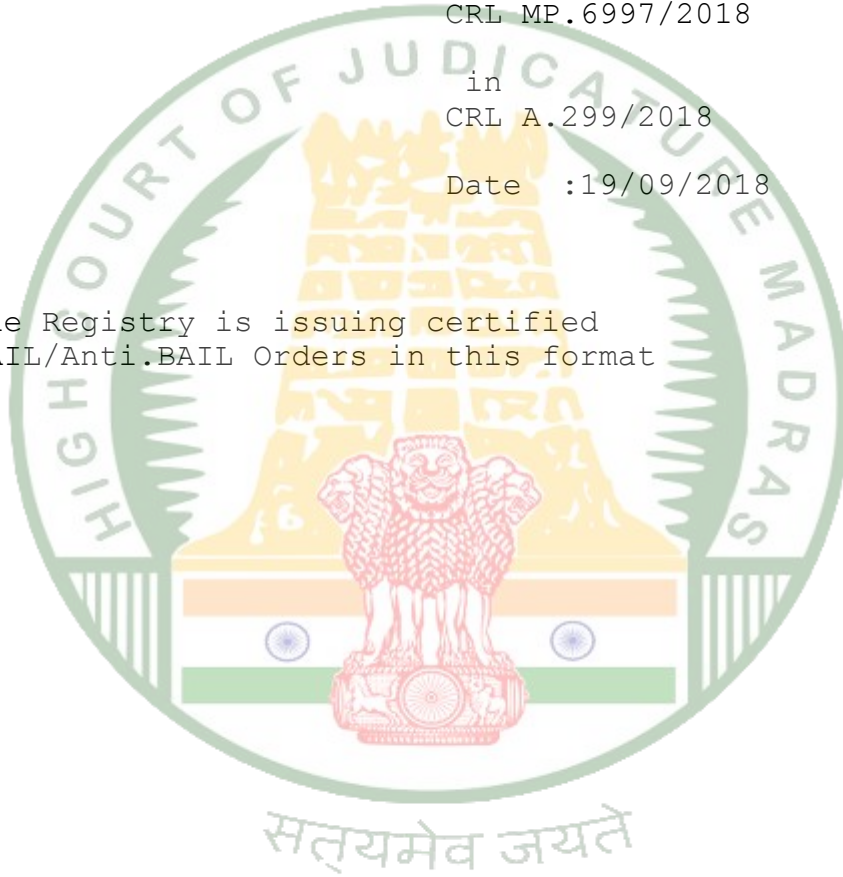
Order

in
CRL MP.6997/2018

in
CRL A.299/2018

Date :19/09/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 20.09.2018



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