

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirtieth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice N. SATHISH KUMAR

CRIMINAL MISCELLANEOUS PETITION No.7194 of 2018

IN CRL A.304/2018

BASAVAMUTHAN,

[PETITIONER/APPELLANT/ACCUSED]

Vs

STATE REP. BY
SUB INSPECTOR OF POLICE,
ANCHETTY POLICE STATION,
ANCHETTY.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.304 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the appellant by the Learned Sessions Judge, Fast Track Mahila Court, Krishnagiri connected in Session Case No.74 of 2016 dated 09.05.2018 pending Crl.Appeal.304/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.304 of 2018 on the file of the High Court and upon hearing the arguments of M/S.P.EZHIL NILAVAN, Advocate for the petitioner and of MRS. M.PRABHAVATHI, ADDL. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

Petitioner was acquitted under Section 376 r/w 511 IPC and convicted for offence u/s.352 IPC and Section 4 of TNPWH Act and was sentenced to undergo 1 year S.I. and fine of Rs.10,000/- i/d two months S.I. for offences under the TNPWH Act and was convicted to pay a fine of Rs.500/- i/d one month S.I. under Section 352 IPC by the learned Session Judge, Fast Track Mahila Court, Krishnagiri under judgment in Session Case No.74 of 2016 dated 09.05.2018. Hence, petitioner seeks suspension of sentence.

2. Learned counsel for petitioner submits that the Court below was pleased to suspend the sentence on the petitioner till 04.06.2018. Learned counsel submits that there are several infirmities and inconsistencies found in the prosecution case and there are contradictions in the material particulars between the evidence of the prosecution witnesses.

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 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 Session Judge, Fast Track Mahila Court, Krishnagiri 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/-
30/05/2018

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 SESSION JUDGE,
FAST TRACK MAHILA COURT, KRISHNAGIRI.

2 THE PRINCIPAL SESSIONS JUDGE,
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
ANCHETTY POLICE STATION,
ANCHETTY.

+1 C.C. to M/S.P.EZHIL NILAVAN Advocate on payment of necessary charges-Sr.9848

Order

in
CRL MP.7194/2018

in
CRL A.304/2018

Date :30/05/2018

From 7.2.2001 the Registry is issuing certified
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ths : 05.06.2018