

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.7209 of 2018

IN CRL A.307/2018

K.SUNDARAPANDIAN

[PETITIONER]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION
ATTUR, SALEM DISTRICT.
CR.NO.11 OF 2014.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.307/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence passed in Spl.SC.No.23 of 2016 dated 04.05.2018 convicting the appellant by the Learned Mahila Court Salem, Salem District pending disposal of the above CRL A.307/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.307/2018 on the file of the High Court and upon hearing the arguments of M/S.M.ARULDASAN, Advocate for the petitioner and of M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

Petitioner was convicted for offence u/s.363 IPC and sentenced to 3 years R.I. and fine of Rs.5,000/- i/d three months S.I. and was directed to pay the fine amount as compensation to the victim by learned Judge, Mahila Court Salem, Salem, under judgment in Spl.S.C.No.23 of 2016 dated 04.05.2018. 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.

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 Mahila Court, 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/-
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 JUDGE, MAHILA COURT,
SALEM.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ATTUR SALEM DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S.M.ARULDASAN Advocate on payment of necessary
charges in SR.NO. 9712

Order

in
CRL MP.7209/2018

in
CRL A.307/2018

Date :30/05/2018

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MLT-05/06/2018