

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

and

The Hon`ble Mr Justice N. SATHISH KUMAR

CRIMINAL MISCELLANEOUS PETITION No.81 of 2018

IN CRL A.10/2018

1 SATHA @ MUBARAK,
2 MUMMY @ YASIN,

[PETITIONERS/APPELLANTS]

Vs

STATE OF TAMILNADU REP.BY, [RESPONDENT]
INSPECTOR OF POLICE,
SALEM TOWN POLICE STATION,
SALEM DISTRICT. CR.NO.309 OF 2014.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.10 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence passed by the Learned III Additional Sessions Judge, Salem S.C.No.273 of 2015 dated 08.12.2017 enlarge the petitioner on bail pending the disposal of the above CRL.A.NO.10/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.10 of 2018 on the file of the High Court and upon hearing the arguments of M/S.M.DEVARAJ, Advocate for the petitioner and of MR. V.ARUL, 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.,]

Petitioners, arrayed as A5 and A6 out of 7 accused, faced trial in S.C.No.273/2015 on the file of learned Judge, District Mahila Court, Cuddalore. Trial Court, under judgment dated 08.12.2017, convicted the petitioners as follows:-

Rank of the accused	Conviction under section	Sentence awarded
A5 & A6	302 r/w 149 IPC	Each of the accused to undergo imprisonment for life and to pay fine of Rs.1000/- with a default sentence of 6 months simple imprisonment.
	147 IPC	Each of the accused to undergo 2 years rigorous imprisonment.

The sentences were ordered to run concurrently. Challenging the conviction and sentence, the petitioners have preferred the above appeal and this miscellaneous petition has been filed seeking suspension of sentence, pending appeal.

2 Learned counsel for petitioners would submit that there are several infirmities and inconsistencies in the prosecution case. Learned counsel further informs that petitioners are confined at Central Prison, Coimbatore, from the date of conviction.

3 Heard learned Additional Public Prosecutor on the submissions made by learned counsel for petitioners.

4 Taking into consideration the submissions of learned counsel for petitioners and that the criminal appeal is not likely to be taken up for final hearing in the near future and further considering the fact that the petitioners are undergoing incarceration from 08.12.2017, this Court is of the view that petitioners herein may be granted the relief of suspension of sentence.

5 Accordingly, the substantive sentences of imprisonment alone is suspended and petitioners are directed to be enlarged on bail on condition that each of the petitioners 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 learned Judicial Magistrate No.1, Salem, and on further condition that petitioners shall appear before the said Court on the first working day of every English Calendar month at 10.30 a.m. pending appeal.

-sd/-
24/01/2018

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.I, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE III, ADDL. SESSIONS JUDGE,
SALEM.

4 THE JUDGE, DISTRICT MAHILA COURT,
CUDDALORE.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

7 INSPECTOR OF POLICE,
SALEM TOWN POLICE STATION,
SALEM DISTRICT.

+1 C.C. to M/S.M.DEVARAJ Advocate on payment of necessary charges
-Sr.1808

Order

in
CRL MP.81/2018

in
CRL A.10/2018

Date :24/01/2018

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