

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Eighth day of August 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.8964 of 2018

IN CRL A.388/2018

K.PERIYASAMY,

[PETITIONER/APPELLANT]

Vs

THE STATE REP BY:

[RESPONDENT]

THE INSPECTOR OF POLICE,
POOLAMPATTI POLICE STATION,
EDAPPADI CIRCLE,
SALEM DISTRICT.
CR.NO.246 OF 2015.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.388 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner in S.C.No.246 of 2016 dated 16.04.2018 by the III Additional District and Sessions Court at Salem pending disposal of the above CRL.A.NO.388/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.388 of 2018 on the file of the High Court and upon hearing the arguments of M/S.N.ELUMALAI, 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/A2 and another faced trial in S.C.No.264 of 2016 on the file of III Additional District Judge, Salem. Under judgment dated 16.04.2018, petitioner/A2 was convicted for offences u/s.201 and 414 IPC and sentenced to 7 years R.I. and fine of Rs.1,000/- i/d 3 months R.I. for offence u/s.201 IPC and fine of Rs.1,000/- i/d 3 months S.I. for offence u/s.414 IPC. The trial Court ordered that sentences run concurrently. Seeking suspension of sentence passed against him, petitioner has moved the present petition.

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 material particulars in the evidence of the prosecution witnesses. Learned counsel further would submit that this Court, under orders dated 10.08.2018, has been pleased to grant suspension of sentence for first accused convicted for offences u/s.417, 449, 302, 392, 201 and 414 IPC.

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

4. Considering the fact that this Court has already granted suspension of sentence for first accused as also the fact that it is not possible for the Court to take the Criminal Appeal in the near future and the submissions of learned counsel on either side, we are of the considered view that it is a fit case to grant the relief of suspension of sentence to petitioner herein.

Accordingly, the substantive sentence of imprisonment alone is suspended and 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 learned III Additional District Judge, 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/-

28/08/2018

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 III, ADDITIONAL DISTRICT
AND SESSIONS COURT, SALEM,.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATE REP BY:
THE INSPECTOR OF POLICE,
POOLAMPATTI POLICE STATION,
EDAPPADI CIRCLE, SALEM DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>

+1 C.C. to M/S.N.ELUMALAI Advocate on payment of necessary charges-Sr.16135

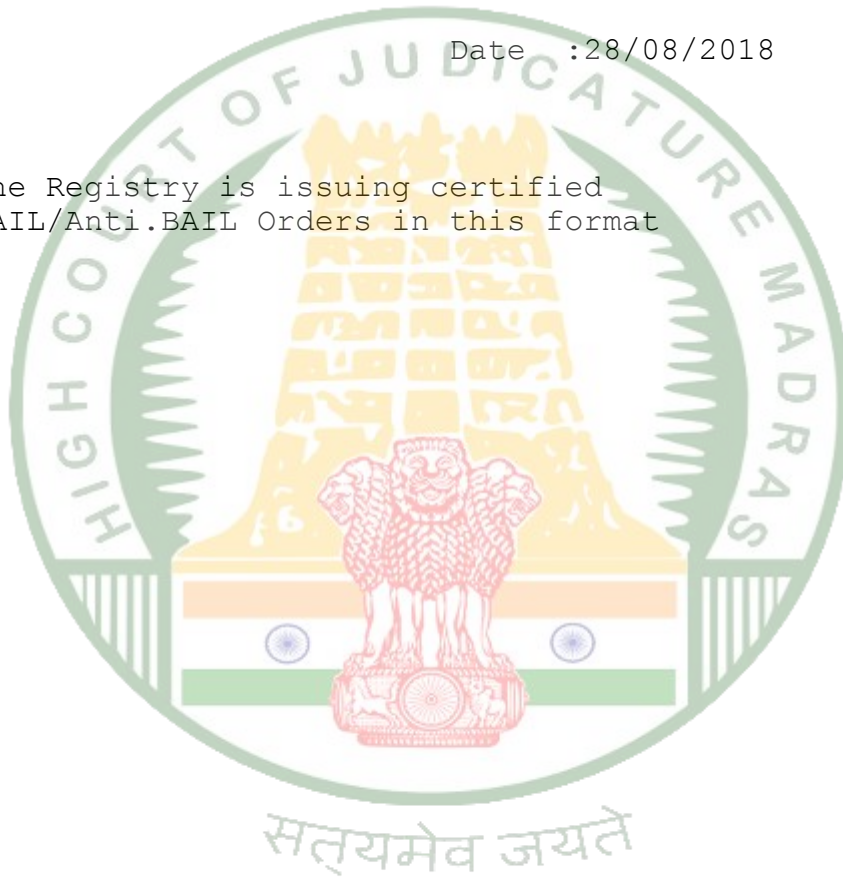
Order

in
CRL MP.8964/2018

in
CRL A.388/2018

Date :28/08/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 29.08.2018



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