

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirtieth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

and

The Hon`ble Mrs Justice S. RAMATHILAGAM

CRIMINAL MISCELLANEOUS PETITION No.13910 of 2017

in

CRL.A.NO.708 OF 2017

DURAI

[PETITIONER / APPELLANT]

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
PILLUR DAM POLICE STATION,
COIMBATORE DISTRICT

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.708 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioners in judgment made in S.C.No.163 of 2015 dated 08.06.2017 passed by the Hon'ble III Additional District Sessions Judge, Coimbatore and release the petitioner on bail, IN CRL.A.NO.708 OF 2017 [IN CRL.MP.NO.13910 OF 2017]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.708 OF 2017 on the file of the High Court and upon hearing the arguments of M/S.K.C.KARL MARX, Advocate for the petitioner and of MR.K.PRABAKAR, ADDITIONAL 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/A1 was convicted for offence u/s. 302 r/w 34 IPC and sentenced to undergo Life Imprisonment and fine of Rs.500/- by learned III Additional District and Sessions Judge, Coimbatore, under judgment dated 08.06.2017 in S.C.No.163 of 2015. 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.

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, Mettupalayam, Coimbatore, 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/-
30/11/2018

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,
METUPALAYAM, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE III ADDITIONAL DISTRICT
SESSIONS JUDGE, COIMBATORE.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
PILLUR DAM POLICE STATION,
COIMBATORE DISTRICT

+1C.C. to M/S.K.C.KARL MARX Advocate on payment of necessary
charges SR NO.22758

Order

in
CRL MP.13910 OF 2017

in
CRL.A.NO.708 OF 2017

Date :30/11/2018

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

MK:30/11/2018



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