

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fourth day of October 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.15601 of 2017

IN CRL A.775/2017

1 GIRI @ VELLINGIRI,
2 G. MANOJKUMAR,
3 ANAND @ VIJAYANAND,

[PETITIONERS/ACCUSED]

Vs

STATE REP BY,
INSPECTOR OF POLICE,
M-4, THUDIYALUR POLICE STATION,
COIMBATORE.
CR.NO.2166 OF 2009.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.775 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the conviction imposed in S.C.No.107 of 2015 on the file of the Learned First Additional District and Sessions Judge, Coimbatore, pending disposal of the above Crl.A.No.775/2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.775 of 2017 on the file of the High Court and upon hearing the arguments of M/S.V.PURUSHOTHAMAN, Advocate for the petitioner and of MR. M.MOHAMED RIYAZ, 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 were convicted for offence u/s.302 and 201 IPC and sentenced to undergo Life imprisonment and fine of Rs.5,000/- each i/d one month S.I. by learned First Additional District and Sessions Judge, Coimbatore, under judgment dated 11.10.2017 in S.C.No.107 of 2015. Hence, petitioners seek suspension of sentence.

2. Learned counsel for petitioners would submit that the petitioners are 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. Learned counsel further submits that the petitioners have not paid the fine amount.

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

4. Considering the facts and circumstances of the case and in view of the fact that the petitioners have 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 petitioners, 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 petitioners herein are entitled to the relief of grant of suspension of sentence.

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

-sd/-

04/10/2018

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.1, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE FIRST ADDITIONAL DISTRICT
AND SESSIONS JUDGE, COIMBATORE.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
M-4, THUDIYALUR POLICE STATION,
COIMBATORE.

+1 C.C. to M/S.V.PURUSHOTHAMAN Advocate on payment of necessary
charges-Sr.18641

Order

in
CRL MP.15601/2017

in
CRL A.775/2017

Date :04/10/2018

From 7.2.2001 the Registry is issuing certified
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