

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirtieth 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.13049 of 2018

in CRL.A.No.587/2018

C.VIGNESH KUMAR

[ACCUSED/APPELLANT/PETITIONER]

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
R.S. PURAM POLICE STATION,
COIMBATORE.
CR.NO.681/2015

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.587 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the execution of sentence passed by the Learned III Additional District and Sessions Judge, Coimbatore by means of Judgment dated 27.07.2018 in S.C.No.176 of 2016 pending disposal of the above Crl.A.No.587/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.587 of 2018 on the file of the High Court and upon hearing the arguments of M/S.S.S.MATHIVANAN, 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 faced trial in S.C.No.176 of 2016 on the file of learned III Additional District and Sessions Judge, Coimbatore. Under judgment dated 27.07.2018, petitioner was convicted for offence u/s.302 IPC and sentenced to life imprisonment and fine of Rs.5,000/- i/d 6 months S.I. Seeking suspension of sentence, petitioner has moved the present petition.

2. Learned counsel for petitioner submits that 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.

3. Heard learned Additional Public Prosecutor on the above submissions.

4. Considering the facts and circumstances of the case 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 and Sessions Judge, 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/-

30/10/2018

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 III, ADDL. DISTRICT
SESSIONS JUDGE, COIMBATORE.

2 THE PRINCIPAL SESSIONS JUDGE,
COIMBATORE. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
R.S. PURAM POLICE STATION,
COIMBATORE.

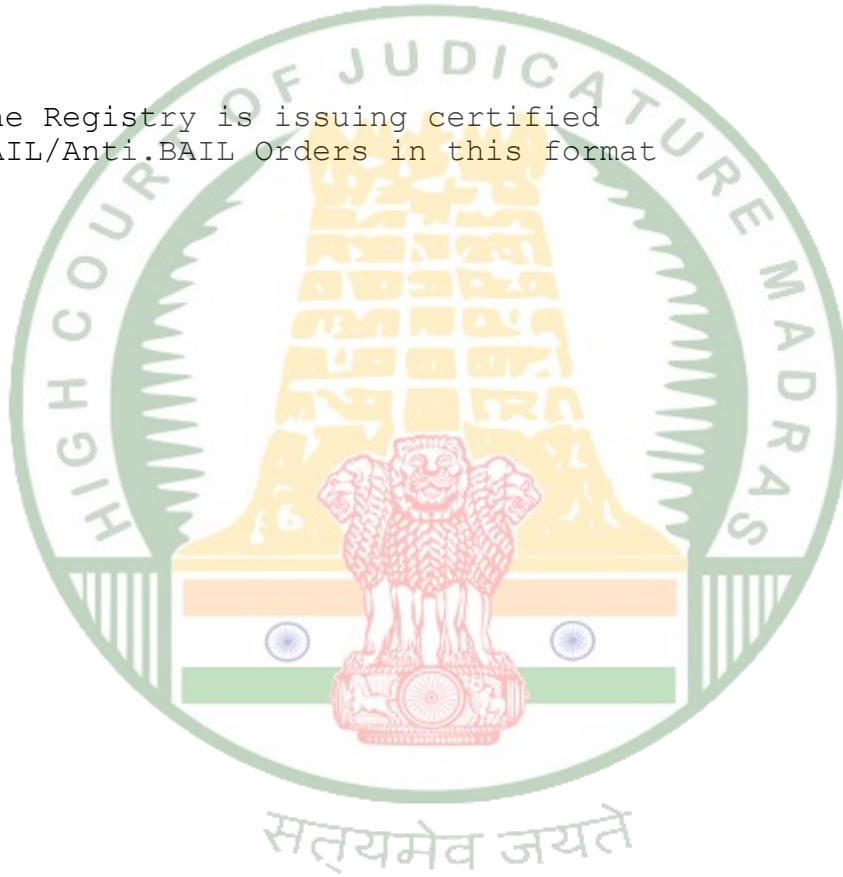
+1 C.C. to M/S.S.S.MATHIVANAN Advocate on payment of necessary charges-Sr.20345

Order

in
CRL MP.13049/2018
in CRL.A.No.587/2018

Date :30/10/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 31.10.2018



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