

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty 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.12888 of 2018

in

CRL.A.No.196 of 2018

KARTHICK

[PETITIONER/APPELLANT]

Vs

THE INSPECTOR OF POLICE,

[RESPONDENT/COMPLAINANT]

THIRUCHENGODU RURAL POLICE STATION,

NAMAKKAL.

CRIME NO.320 of 2003

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.No.196 of 2018 on the file of the High Court, the High Court will be pleased to enlarge the petitioner on bail by suspending the sentence imposed in S.C No.24/2010 dated 31.08.2017 on the file of Additional District Sessions Court, Namakkal pending appeal in C.A No.196 of 2018 on the file of this Honourable Court

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.196 of 2018 on the file of the High Court and upon hearing the arguments of M/S.T.MURUGANANTHAM, Advocate for the petitioner and of MR.R.PRATHAP KUMAR 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/appellant faced trial in S.C.No.24 of 2010 on the file of learned Additional District and Sessions Judge, Namakkal. Trial Court, under judgment dated 31.08.2017, convicted petitioner/appellant for offences u/s.341 and 302 IPC and sentenced him to 1 month S.I. for offence u/s.341 IPC and life imprisonment and fine of Rs.5,000/- i/d 1 year R.I. for offence u/s.302 IPC. Trial Court directed that sentences run concurrently. The present petition has been filed seeking suspension of sentence.

2. Heard learned counsel for petitioner and learned Additional Public Prosecutor.

3. Learned counsel for petitioner submits 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.

4. Trial of this petitioner/A3 arose out of a split up case as a result of his having not duly complied with the conditions of bail. Subsequently, Non-Bailable Warrant issued against him was executed and then he came to face trial in S.C.No.24 of 2010 on the file of learned Additional District and Sessions Judge, Namakkal. The case of petitioner stands on the same footing as that of the other accused, who has been granted suspension of sentence by this Court under orders dated 20.07.2012 in CrI.M.P.No.1 of 2012 in CrI.A.No.400 of 2013. In such circumstance, this Court considers it appropriate to grant interim suspension of sentence.

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 Judicial Magistrate, Thiruchengodu 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/-
24/10/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

WEB COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL DISTRICT
AND SESSIONS JUDGE, NAMAKKAL.

2 THE JUDICIAL MAGISTRATE,
THIRUCHENGODU.

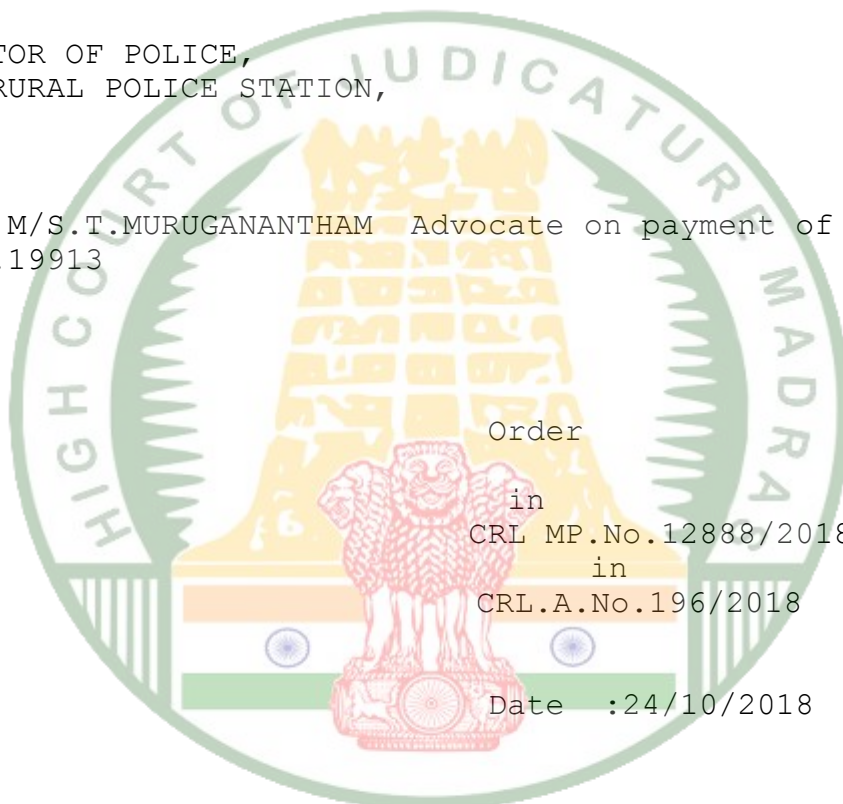
3 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

6 THE INSPECTOR OF POLICE,
THIRUCHENGODU RURAL POLICE STATION,
NAMAKKAL.

+1C.C. to M/S.T.MURUGANANTHAM Advocate on payment of necessary
charges SR.NO.19913



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

cm 26/10/2018

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