

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Ninth day of October Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL MISCELLANEOUS PETITION Nos.13517 & 12961 of 2018

in CRL.R.C.No.1104 of 2018

R.MANIKANDAN

[PETITIONER/APPELLANT
in both petitions]

vs

STATE REP. BY

THE INSPECTOR OF POLICE,
KEELAPALUR POLICE STATION,
ARIYALUR DISTRICT.
CR.NO.29 OF 2016

[RESPONDENT/COMPLAINANT
in both petitions]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.R.C.No.1104 of 2018 on the file of the High Court, the High Court will be pleased to

(i) suspend the sentence and enlarged on bail in judgment dated 16.08.2018 in CA NO.25/2017 on the file of the Additional District Sessions Court, Ariyalur, conforming order in C.C NO.66/2016 on the file of Judicial Magistrate, Ariyalur pending disposal of the above appeal [CRL.M.P.No.13517 of 2018]

(ii) grant an exemption from surrendering before The Additional District and Session Court, Ariyalur in C.A.No.25/2017 dated on 16.08.2018 [CRL.M.P.No.12961 of 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.R.C.No.1104 of 2018 on the file of the High Court and upon hearing the arguments of M/S.P.TAMILAVEL, Advocate for the petitioner and of M/S.S.THANKIRA GOVERNMENT ADVOCATE on behalf of the Respondent the court made the following order:-

Petitioner was convicted for an offence under Section 304 A of IPC and was sentenced to undergo two years simple imprisonment and Section 279 of Cr.P.C. to pay Rs.1,000/-, in default, to undergo one month simple imprisonment by the learned Judicial Magistrate, Ariyalur, under judgment dated 08.11.2017 in C.C.No.66 of 2016. The conviction and sentence imposed by the trial Court was confirmed by the learned Additional District and Sessions Judge, Ariyalur, under

judgment in C.A.No.25 of 2017 dated 16.08.2018. Hence, the petitioner seeks suspension of sentence in CrI.M.P.Nos.13517 and he seeks to grant an exemption from surrendering before the Additional District and Sessions Court, Ariyalur in C.A.No.25 of 2017 dated 16.08.2018.

2.The learned counsel for the petitioner would submit that there are bristling inconsistencies and lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable.

3.Having regard to the fact that there are arguable points involved in the revision and further, the revision is not likely to be taken up for final hearing in the near future, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

4. 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 for 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, Ariyalur and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending revision.

5.In view of the order passed in CrI.M.P.No.13517 of 2018 granting suspension of sentence to the petitioner, CrI.M.P.NMo.12961 of 2018 has been filed seeking for exemption from surrendering before the Additional District and Sessions Court, Ariyalur.

Notice.

-sd/-
09/10/2018

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 ADDITIONAL DISTRICT AND
SESSIONS COURT, ARIYALUR

2 THE JUDICIAL MAGISTRATE,
ARIYALUR

3 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KEELAPALUR POLICE STATION,
ARIYALUR DISTRICT

6 THE SUPERINTENDENT,
CENTRAL PRISON, THIRUCHIRAPALLI

+1C.C. to M/S.P.TAMILAVEL Advocate on payment of necessary
charges SR.NO. 18996

Order

in
CRL MP.Nos.13517 & 12961/2018

in
CRL.R.C.No.1104/2018

Date :09/10/2018

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

cm 10/10/2018