

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 V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.13125 of 2018

IN CRL.A.NO.591 of 2018

SEKAR

[PETITIONER]

Vs

THE INSPECTOR OF POLICE,
POONAMALLEE POLICE STATION,
CHENNAI-56.
THIRUVALLUR DISTRICT.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentence imposed by the Hon'ble III Additional Sessions Judge, Poonamallee, Chennai-56. in S.C.No. 19 of 2016 and enlarge the Petitioner on bail pending disposal of the above said Crl.A.No.591 of 2018.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.J.WILLIAM SHAKESHERE, Advocate for the petitioner, and of MR. V.SARATHA DEVI, Govt. Advocate (Crl. Side) on behalf of the Respondent, the court made the following order:-

The appellant is the sole accused in Sessions Case No.19 of 2016, on the file of the III Additional Sessions Judge, Poonamallee. By judgment, dated 10.08.2018, the trial Court has convicted him for offences under Section 304 (Part I) of the Indian Penal Code. The maximum punishment imposed upon the petitioner is Rigorous Imprisonment for seven years. Challenging the said conviction and sentence, the petitioner has preferred the above appeal. Pending appeal, he seeks for suspension of sentence.

2.Heard, Mr.J.William Shakesphere, the learned counsel for the petitioner and Mrs.V.Saradhadevi, learned Government Advocate, appearing on behalf of the State and I have also perused the records carefully.

3.The learned Government Advocate would submit that there are clinching materials in support of the prosecution case and on the basis of the said materials, the lower Court has passed the impugned order, imposing seven years Rigorous Imprisonment on the petitioner/accused. She would further submit that there are enough materials to sustain the charge framed against the petitioner and trial Court has rightly convicted the petitioner.

4.Taking into consideration the overall circumstances of the case and the submission made by the learned Government Advocate, this Court is of the view that the the sentence cannot be suspended, at this stage. Accordingly, this criminal miscellaneous petition is dismissed for the present.

-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 III ADDITIONAL SESSIONS JUDGE,
AT POONAMALLEE.

2 THE SUPERINTENDENT,
PUZHAL-1.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
POONAMALLEE POLICE STATION,
CHENNAI-56.
THIRUVALLUR DISTRICT.

C.C. to M/S.J.WILLIAM SHAKESPHERE Advocate on payment of
necessary charges

Order

in
CRL MP.13125/2018
in
CRL.A.NO.591/2018

Date :30/11/2018

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