

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 RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION No.13498 of 2018

in

CRL.A.No.940 of 2006

T.MAHENDRAN

[PETITIONER/APPELLANT]

Vs

STATE REP.BY

[RESPONDENT/COMPLAINANT]

THIRUPPUR NORTH POLICE STATION,
TIRUPPUR, COIMBATORE DISTRICT
CRIME NO. 1573 OF 2002.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.No.940 of 2006 on the file of the High Court, the High Court will be pleased to suspense the sentence imposed on the petitioner herein by the Learned Additional District and Sessions Judge (Fast track Court No.5) Coimbatore at Tiruppur in S.C.No. 338 of 2005 by judgment dated 6.4.2006 and enlarge the petitioner herein on bail pending disposal of the above CRL.A.No.940 of 2006.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.No.940 of 2006 on the file of the High Court and upon hearing the arguments of M/S.C.SIVAKUMAR, Advocate for the petitioner and of V.SARATHADEVI GOVERNMENT ADVOCATE on behalf of the Respondent the court made the following order:-

By order dated 24.01.2007, this Court suspended the substantial sentence imposed on the third accused/appellant in Criminal Appeal No. 940 of 2006. However, when the appeal was taken up for hearing, there was no representation for the petitioner/appellant and therefore, by an order dated 23.06.2018, this Court recalled the order dated 24.01.2007 and a non-bailable warrant was ordered to be issued against the petitioner/appellant. Accordingly, the non-bailable warrant was executed and the petitioner/ appellant appeared before this Court today.

2. The learned counsel for the petitioner/appellant has stated that the petitioner could not be contacted at the time when the appeal was listed for hearing as he had lost the contact number provided by the petitioner and therefore, this Court recalled the order of suspension and issued the non-bailable warrant.

3. The learned Government Advocate (Crl.side) appearing for the State has produced a letter to the effect that the accused involved in this case are not residing in the same address, which was indicated in the appeal.

4. Having regard to the fact that the non-bailable warrant issued against the petitioner/appellant was executed and the petitioner/appellant is also produced before this Court and he is represented by a counsel, in the interest of justice, this Court is inclined to suspend the substantial sentence of imprisonment imposed against the petitioner/appellant by the trial Court.

5. Accordingly, this petition is allowed and the substantial sentence of imprisonment imposed on the petitioner/appellant alone is suspended on condition the petitioner/appellant shall execute a bond for a sum of Rs.10,000/- with two sureties for a like sum to the satisfaction of the Trial Court and on further condition that the petitioner shall report before the learned Judicial Magistrate No.I, Tiruppur on the first working day of every English Calendar month at 10.30 a.m, until further orders.

-sd/-
24/10/2018

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

TRUE COPY

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

WEB COPY

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
(FAST TRACK COURT NO.5),
COIMBATORE, TIRUPPUR 2

2 THE JUDICIAL MAGISTRATE NO.I
TIRUPPUR

3 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

6 THE THIRUPPUR NORTH POLICE STATION,
TIRUPPUR, COIMBATORE DISTRICT

C.C. to M/S.C.SIVAKUMAR Advocate on payment of necessary
charges

Order

in

CRL MP.No.13498 of 2018

in

CRL.A.No.940 of 2006

Date :24/10/2018

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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