

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.13751 of 2018

IN CRL.A.NO.624 OF 2018

MOHAMMED IMATHATHULLAH @ MOHAMMED YASIN, [PETITIONER]

Vs

THE INSPECTOR OF POLICE, [RESPONDENT]
MADURAVOYAL POLICE STATION,
CHENNAI.
CR.NO.383 OF 2014

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.624 of 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the learned III Additional Sessions Judge, Poonamallee, Tiruvallur District dated 07.06.2018 in SC No.10/2016 and enlarging him on bail pending disposal of the above appeal

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.624 of 2018 on the file of the High Court and upon hearing the arguments of M/S.N.SUDHARSAN Advocate for the petitioner, and of MR.R.PRETHAP 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/A2 faced trial in S.C.No.10 of 2016 on the file of learned III Additional Sessions Judge, Poonamallee. Under judgment dated 07.06.2018, petitioner was convicted for offences u/s.341, 324 (3 counts) and 302 r/w 34 IPC and sentenced to life imprisonment and fine of Rs.1,000/- i/d 6 months R.I. for offence u/s.302 r/w 34 IPC, 1 month S.I. for offence u/s.341 IPC and 6 months R.I. for each count for offence u/s.323 (3 counts) IPC. Seeking suspension of sentence, petitioner has moved the present petition.

2. Learned counsel for petitioner submits that the petitioner is confined at Central Prison, Puzhal, Chennai 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. Learned counsel further would submit that petitioner has paid the fine amount.

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 Judicial Magistrate II, Poonamallee, Tiruvallur District 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 JUDICIAL MAGISTRATE,
NO.II, POONAMALLEE

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MADURAVOYAL POLICE STATION,
CHENNAI .

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAAL, CHENNAI

6 THE III ADDITIONAL SESSIONS JUDGE,
POONAMALLEE

+1 C.C. to M/S.N.SUDHARSAN Advocate on payment of necessary charges SR.NO. 20311

Order

in
CRL MP.13751/2018

IN CRL.A.NO.624 OF 2018

Date :30/10/2018

From 7.2.2001 the Registry is issuing certified
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RD 31/10/2018



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