

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Sixth 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.13428 of 2018

IN CRL.A.NO.608 OF 2018

1 THANGAMANI
2 R.RAMACHANDRAN

[PETITIONERS]

Vs

STATE OF TAMIL NADU REPRESENTED BY [RESPONDENT]
THE INSPECTOR OF POLICE,
K.G.CHAVADI POLICE STATION,
COIMBATORE DISTRICT.
CR.NO.88 OF 2013.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.608 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence passed by the learned IV Additional District and Sessions Judge, Coimbatore in S.C.No.35 of 2015 dated 20.09.2018 and release the petitioners on bail pending disposal of the above Criminal Appeal NO.608 of 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.608 OF 2018 on the file of the High Court and upon hearing the arguments of MR.ANTONY JESUS J., Advocate for the petitioner and of MR.R.PRATHAPKUMAR, 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.,]

Petitioners, arrayed as A1 and A2, faced trial in S.C.No.35/2015 on the file of learned IV Additional District and Sessions Judge, Coimbatore. Trial Court, under judgment dated 20.09.2018, convicted the petitioners as follows:-

Rank of the accused	Conviction under section	Sentence awarded
A5 & A6	302 read with 34 IPC	Each of the accused to undergo imprisonment for life and to pay fine of Rs.5000/- each, with a default sentence of 2 months simple imprisonment.
	201 IPC	Each of the accused to undergo 5 years rigorous imprisonment and to pay fine of Rs.1000/- each, with a default sentence of 2 months simple imprisonment.

The sentences were ordered to run concurrently. Challenging the conviction and sentence, the petitioners have preferred the above appeal and this miscellaneous petition has been filed seeking suspension of sentence, pending appeal.

2 Learned counsel for petitioners would submit that there are several infirmities and inconsistencies in the prosecution case. Learned counsel further informs that petitioners are confined at Central Prison, Coimbatore, from the date of conviction.

3 Heard learned Additional Public Prosecutor on the submissions made by learned counsel for petitioners.

4 Taking into consideration the submissions of learned counsel for petitioners and that the criminal appeal is not likely to be taken up for final hearing in the near future and further considering the fact that the petitioners are undergoing incarceration from 20.09.2018, this Court is of the view that petitioners herein may be granted the relief of suspension of sentence.

5 Accordingly, the substantive sentences of imprisonment alone is suspended and petitioners are directed to be enlarged on bail on condition that each of the petitioners shall execute a bond in a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties in a sum to the satisfaction of learned Judicial

Magistrate No.VII, Coimbatore and on further condition that petitioners shall appear before the said Court on the first working day of every English Calendar month at 10.30 a.m. pending appeal.

-sd/-
26/10/2018

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 IV ADDITIONAL DISTRICT
AND SESSIONS JUDGE, COIMBATORE.

2 THE JUDICIAL MAGISTRATE
NO.VII, COIMBATORE.

3 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
K.G.CHAVADI POLICE STATION,
COIMBATORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE. सत्यमेव जयते

+1C.C. to ANTONY JESUS J. Advocate on payment of necessary
charges in SR.NO. 20058

Order

in
CRL MP.13428/2018
in CR.A.NO.608/2018

Date :26/10/2018

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