

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.13790 of 2018

in

CRL.A.No.344 of 2017

BALA @ DHANAPAL

[PETITIONER/APPELLANT]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
PERUNDURAI POLICE STATION,
ERODE.

[RESPONDENT/COMPLAINANT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.No.344 of 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner by order dated 29.09.2016 in S.C.No.18 of 2016 on the file of the I Additional District and Sessions Judge, Erode and enlarge the petitioner on bail till the disposal of the appeal filed by the petitioner in CRL.A.No.344 of 2017

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.344 of 2017 on the file of the High Court and upon hearing the arguments of M/S.R.C.PAUL KANAGARAJ, Advocate for the petitioner and of MR.R.PRATHAP KUMAR 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**]

Petitioner faced trial in S.C.No.18 of 2016 on the file of learned I Additional District and Sessions Judge, Erode. Under judgment dated 29.09.2016, petitioner was convicted for an offence u/s.302 IPC and sentenced to life imprisonment and fine of Rs.1,000/- i/d 6 months S.I. Seeking suspension of sentence, petitioner has moved the present petition.

2. Learned counsel for petitioner submits that the petitioner is confined at Central Prison, Salem 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 I Additional District and Sessions Judge, Erode 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 I ADDITIONAL DISTRICT AND
SESSIONS JUDGE, ERODE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

WEB COPY

4 THE INSPECTOR OF POLICE,
PERUNDURAI POLICE STATION,
ERODE.

+1C.C. to M/S.R.C.PAUL KANAGARAJ Advocate on payment of
necessary charges SR.NO.20371

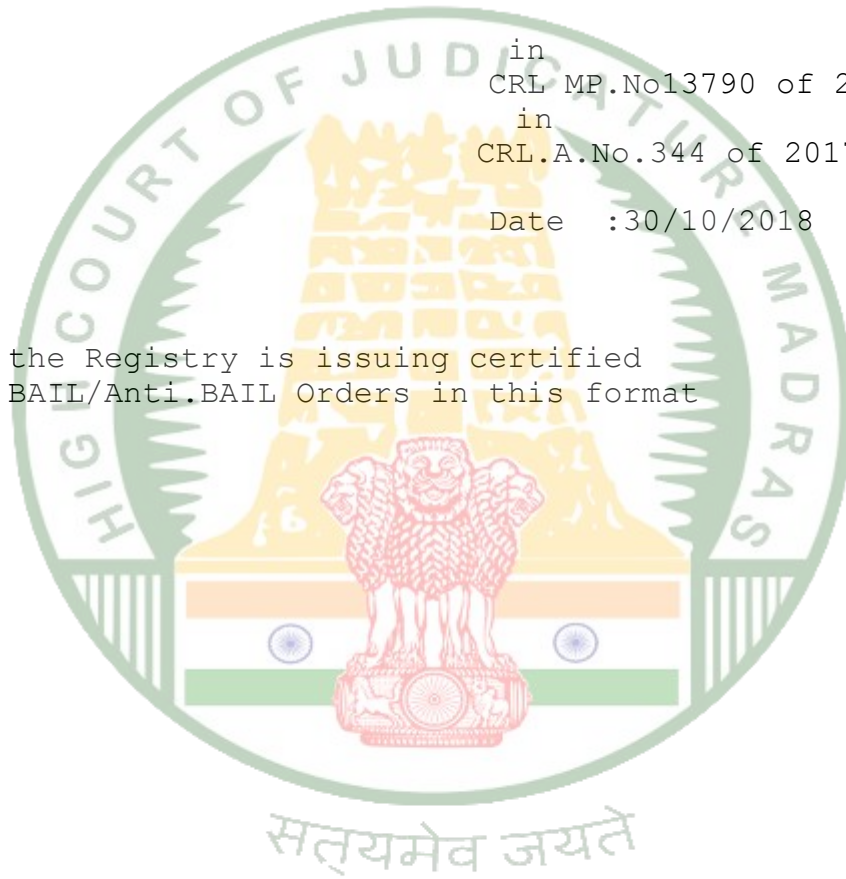
Order

in
CRL MP.No13790 of 2018
in
CRL.A.No.344 of 2017

Date :30/10/2018

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

cm 31/10/2018



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