

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fourteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

and

The Hon`ble Mrs Justice S. RAMATHILAGAM

CRIMINAL MISCELLANEOUS PETITION No.14223 of 2018

IN CRL.A.NO.654 OF 2018

N.NATESAN

[PETITIONER / APPELLANT / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
VEERANAM POLICE STATION,
SALEM DISTRICT
CR.NO.538 OF 2003.

Petition praying that in the circumstances stated therein the High Court will be pleased to suspend the conviction and sentence imposed on the petitioner through judgment dated 12.04.2018 in S.C.No.34 of 2005 by the Learned I Additional District and Sessions Judge, Salem and release him on bail pending disposal of the above CRL.A.NO.654 OF 2018 [IN CRL.MP.NO.14223 OF 2018]

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.S.JEYAKUMAR, Advocate for the petitioner and of MR.K.PRABAKAR, 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/A.1 faced trial in S.C.No.34 of 2005 on the file of learned I Additional District and Sessions Judge, Salem. Trial Court, under judgment dated 12.04.2018, convicted petitioner for an offence u/s.302 read with 149 IPC (2 counts) and sentenced him to undergo life imprisonment and imposed a fine of Rs.5,000/- (2 counts) i/d to undergo six months simple imprisonment and all the above sentences were ordered to run concurrently. 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.

3. Heard learned Additional Public Prosecutor on the above submissions.

4. Considering the facts and circumstances of the case and also considering the fact that the trial Court has convicted 12 persons out of 23 persons put up for trial that P.Ws.1 to 5 alleged eye-witnesses are immediate relatives of the first deceased and the submissions of the learned counsel for the petitioner that the presence of P.W.1 at the scene is doubtful 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.

5. 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, Salem, 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/-

14/11/2018

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 I ADDITIONAL DISTRICT AND
SESSIONS JUDGE, SALEM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VEERANAM POLICE STATION,
SALEM DISTRICT

+2C.C. to M/S.S.JEYAKUMAR Advocate on payment of necessary charges SR NO.21372, 21382

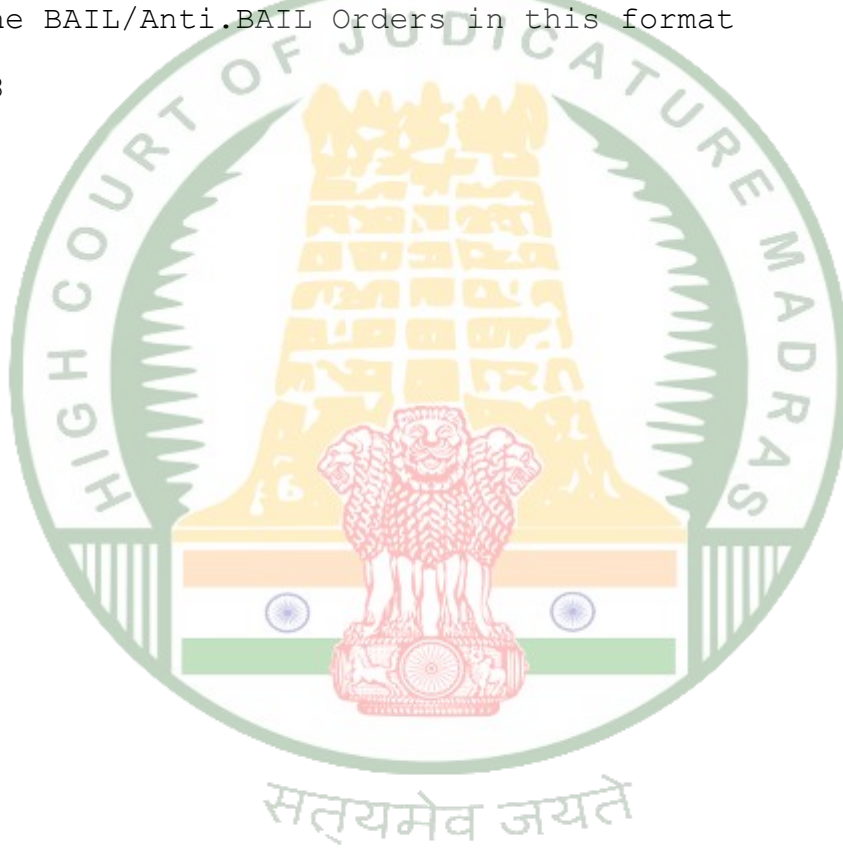
Order

in
CRL MP.14223/2018
in CRL.A.NO.654 OF 2018

Date :14/11/2018

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

MK:15/11/2018



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