IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirteenth 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.14047 of 2018

IN CRL.A.NO.640 OF 2018

MANIKANDAN [PETITIONER]

Vs

THE INSPECTOR OF POLICE, [RESPONDENT]
CHIDAMBARAM TALUK POLICE STATION,
CUDDALORE DISTRICT.
CR.NO. 86 OF 2013.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.640/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the appellant herein by the Learned II Addl. District and Sess. Judge, Chidambaram, Cuddalore District SC.No. 70 of 2014 dt.20.9.2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.640/2018 on the file of the High Court and upon hearing the arguments of MR.J.C.DURAIRAJ FOR M/S.A.ARASU GANESAN Advocate for the petitioner and of MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

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(Order of the Court was made by **C.T.SELVAM, J**)

Petitioner/A14 was convicted for offence u/s.147, 294(b), 302 r/w 149 IPC and sentenced to undergo six months R.I for offence u/s 147 IPC and fine of Rs.250/- i/d one month S.I for offence u/s 294(b) IPC and Life imprisonment and fine of Rs.2,000/- i/d one year S.I for offence u/s 302 r/w 149 IPC by learned II Additional District and Sessions Judge, Chidambaram, under judgment dated 20.09.2018 in S.C.No.70 of 2014. Hence, petitioner seeks suspension of sentence.

2. Learned counsel for petitioner would submit that the petitioner is confined at Central Prison, Cuddalore and there are several infirmities and inconsistencies found in the prosecution

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case. It is contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses.

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

4. Considering the facts and circumstances of the case and in view of the fact that the petitioner has been in custody, that there are several infirmities in the prosecution case and there are arguable points involved in the appeal, as contended by learned counsel for petitioner, and further the appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the 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 the learned II Additional District & Sessions Judge, Chidambaram, 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/-
13/11/2018

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 II ADDITIONAL DISTRICT
AND SESSIONS JUDGE,
CHIDAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHIDAMBARAM TALUK POLICE STATION,
CUDDALORE DISTRICT.

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5 THE SUPERINTENDENT,
CENTRAL PRISON,CUDDALORE

+1 C.C. to M/S.A.ARASU GANESAN Advocate on payment of necessary charges SR.NO. 21152

Order

in
CRL MP.14047/2018

IN CRL.A.NO.640 OF 2018

Date :13/11/2018

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format
RD 14/11/2018

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