

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.14116 of 2018

IN CRL.A.NO.642 OF 2018

SIVA

[PETITIONER]

Vs

STATE BY

[RESPONDENT]

INSPECTOR OF POLICE,
THIRUVALAM POLICE STATION,
VELLORE DISTRICT.
CR. NO. 272 OF 2010.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.642/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner by the Learned Additional District and Sessions Judge, Fast Track Court, Vellore made in SC.No.90 of 2017 dated.11.09.2018 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.no.642 of 2018. [CRL.MP.NO.14116/2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.642/2018 on the file of the High Court and upon hearing the arguments of MR.P.GOVINDARAJAN FOR M/S.T.R.RAVI Advocate for the petitioner and of MR.K.PRABAKAR 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 was convicted for offence u/s.302 & 352 IPC and sentenced to undergo Life imprisonment and fine of Rs.2,000/- i/d one year R.I for offence u/s 302 IPC and 3 months S.I for offence u/s 352 IPC by learned Additional Sessions Judge (FTC), Vellore, under judgment dated 11.09.2018 in S.C.No.90 of 2017. Hence, petitioner seeks suspension of sentence.

2. Learned counsel for petitioner would submit that the petitioner is confined at Central Prison, Vellore and there are

several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses. Learned counsel submits that fine amount has been paid by the petitioner.

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 Judicial Magistrate, Katpadi, 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 ADDITIONAL SESSIONS JUDGE
[FTC], VELLORE

2 THE JUDICIAL MAGISTRATE,
KATPADI

3 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
THIRUVALAM POLICE STATION,
VELLORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

+1 C.C. to M/S.T.R.RAVI Advocate on payment of necessary charges
SR.NO. 21220

Order

in
CRL MP.14116/2018

IN CRL.A.NO.642 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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