

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Nineteenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

and

The Hon`ble Mrs Justice R. HEMALATHA

CRIMINAL MISCELLANEOUS PETITION No.14142 of 2018

IN CRL.A.NO.646 OF 2018

RAMAN

[PETITIONER]

Vs

THE INSPECTOR OF POLICE,
VENNANDHUR POLICE STATION,
NAMAKKAL DISTRICT
CR.NO.22 OF 2016.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.646/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner enlarge the petitioner on bail, in S.C.No.80 of 2016 on the file of the Sessions Fast Track Mahila Judge, Namakkal District by judgment dated 12.10.2018 pending Crl.Appeal No.646 of 2018

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.646/2018 on the file of the High Court and upon hearing the arguments of MR.J.C.DURAIRAJ FOR M/S.B.VASUDEVAN 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/Accused faced trial in S.C.No.80 of 2016 on the file of learned Sessions (Fast Track Mahila) Judge, Namakkal. Trial Court, under judgment dated 12.10.2018, convicted petitioner for an offence u/s.341 IPC and sentenced him to undergo one month Rigorous Imprisonment and also convicted him for an offence u/s.302 IPC and sentenced to undergo Life Imprisonment and imposed a fine of Rs.2,000/- i/d to undergo six months rigorous imprisonment and 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, Coimbatore, 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 for petitioner further submitted that the case is one for circumstantial evidence and though the appellant/accused was tried separately and his accomplice was a juvenile, the Court below has held Charge under Section 120(B) IPC not proved. The circumstance put against accused is recovery of certain letters under Ex.P3 from P.W.1 allegedly authored by the deceased. Such letters had not been subjected to handwriting examination towards establishing that they indeed were written by the deceased. Although letters had been seized from P.W.1 and his daughter P.W.24 allegedly was in love with the deceased, nothing had been seized from her. The prosecution has sought to fasten liability on the appellant through recovery of two knives. The purchase of two knives by the accused has been spoken to by one Thangavel- P.W.11. P.W.11, admittedly, was not the owner of the shop and he was the son of the owner, who had not been examined. Though P.W.11 did not know the accused earlier, he had not been subjected to any test identification parade and he has merely deposed to the appellant being the person at the shop in the course of his examination in Court on 15.02.2018 against the alleged purchase of the knives on 11.02.2016.

3. Heard learned Additional Public Prosecutor on the above submissions who relied on the evidence of P.W.15, who has spoken to a love affair between the deceased and P.W.24-Keerthana.

4. Considering the facts and circumstances of the case and also considering 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 Judicial Magistrate, Rasipuram, 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/-

19/12/2018

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 SESSIONS FAST TRACK
MAHILA ,JUDGE, NAMAKKAL,

2 THE JUDICIAL MAGISTRATE,
RASIPURAM

3 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE[FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
VENNANDHUR POLICE STATION,
NAMAKKAL DISTRICT

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON,COIMBATORE

+1 C.C. to M/S.B.VASUDEVAN Advocate on payment of necessary
charges SR.NO. 24398

Order

in
CRL MP.14142/2018

IN CRL.A.NO.646 OF 2018

Date :19/12/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 20/12/2018

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