

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Sixth 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.14192 of 2018

in CRL.A.NO.648/2018

PADMANABAN

[PETITIONER/ACCUSED]

Vs

THE STATE REP BY ITS
THE INSPECTOR OF POLICE,
MELPADI POLICE STATION,
VELLORE DISTRICT.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.648 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence of the appellant in connection with S.C.No.42 of 2017 on the file of the Learned Additional District and Sessions Judge, FTC, Vellore District, dated 17.09.2018 pending disposal of the main CRL.A.NO.648/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.648 of 2018 on the file of the High Court and upon hearing the arguments of M/S.M.RAJENDIRAN, 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/A.2 faced trial in S.C.No.42 of 2017 on the file of learned Additional District and Sessions Judge, Fast Track Court, Vellore District. Trial Court, under judgment dated 17.09.2018, convicted petitioner for an offence u/s.304(I) of IPC and sentenced him to undergo rigorous imprisonment for five years and to pay a fine of Rs.2,000/- i/d to undergo rigorous imprisonment for another period of one year. Seeking suspension of sentence, petitioner has moved the present petition.

2. Learned counsel for petitioner submits 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 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 the overt act attributed to this petitioner, 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, Katpadi, Vellore District, 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/-

26/11/2018

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.

सत्यमेव जयते

TO

1 THE JUDICIAL MAGISTRATE,
KATPADI, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE ADDL. DISTRICT AND SESSIONS
JUDGE, FTC, VELLORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

<https://hcservices.ecourts.gov.in/hcservices/>

WEB COPY

6 THE INSPECTOR OF POLICE,
MELPADI POLICE STATION,
VELLORE DISTRICT.

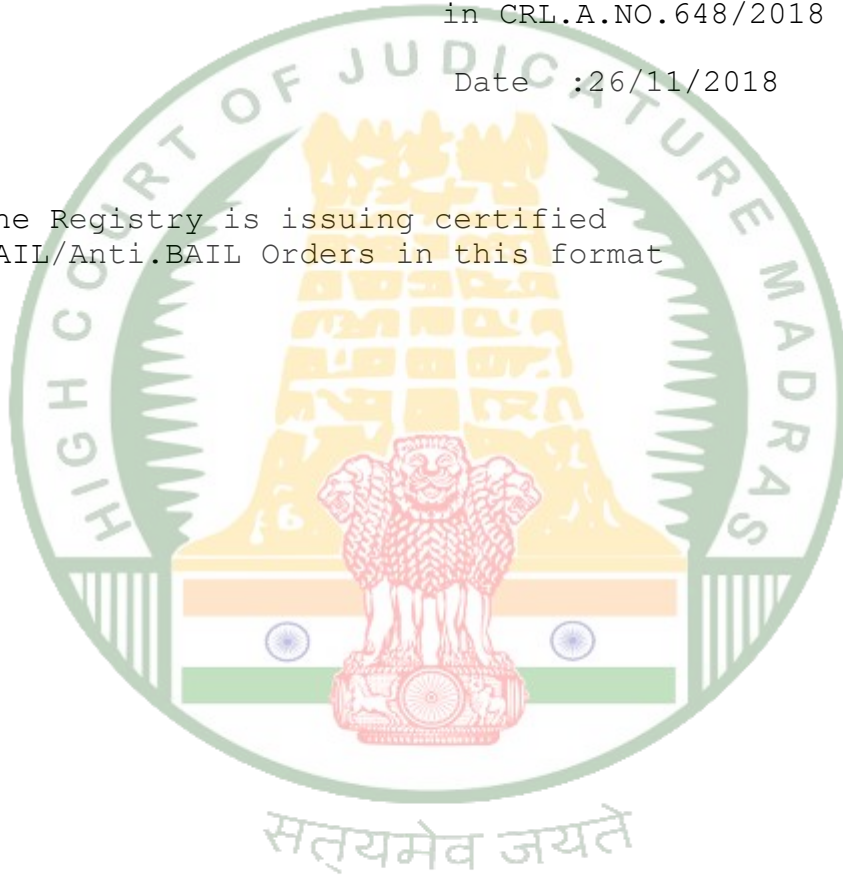
+1 C.C. to M/S.M.RAJENDIRAN Advocate on payment of necessary
charges-Sr.22321

Order

in
CRL MP.14192/2018
in CRL.A.NO.648/2018

Date :26/11/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 28.11.2018



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