

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Ninth day of October Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

and

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL MISCELLANEOUS PETITION No.14225 of 2018

in CRL.A.NO.625 OF 2018

B.SARAVANAN @ CITY SARAVANAN

[APPELLANT/ACCUSED]

Vs

STATE REPRESENTED BY

[RESPONDENT/COMPLAINANT]

THE INSPECTOR OF POLICE,
V-1, VILLIVAKKAM POLICE STATION,
VILLIVAKKAM,
CHENNAI-600 049.
CR.NO.802 OF 2010.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.625 of 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner by Judgement dated 4.7.2018 passed in SC No.200 of 2013 on the file of the learned XVII Additional Sessions Judge, at Chennai and enlarge the petitioner on bail pending disposal of the above CA No.625 of 2018. [CRL.MP.NO.14225/2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.625 of 2018 on the file of the High Court and upon hearing the arguments of M/S.R.VIVEKANANTHAN Advocate for the petitioner and of MR.R.PRATHAP KUMAR 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/A4 was convicted for offence u/s. 302 IPC and sentenced to undergo Life imprisonment and fine of Rs.10,000/- i/d one year R.I by learned XVII Additional Sessions Judge, Chennai, under judgment dated 04.07.2018 in S.C.No.200 of 2013. Hence, petitioner seeks suspension of sentence.

2. Learned counsel for petitioner would submit that the petitioner is confined at Central Prison, Puzhal, Chennai 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 not 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 X Metropolitan Magistrate, Allikulam, Chennai 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/-
29/10/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

सत्यमेव जयते
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

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TO

1 THE XVII ADDITIONAL SESSIONS
JUDGE, CHENNAI

2 THE METROPOLITAN MAGISTRATE,
NO.X, ALLIKULLAM, CHENNAI

3 THE CHIEF JUDICIAL MAGISTRATE
<https://hcservices.ecourts.gov.in/hcservices/>
EGMORE [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
V-1, VILLIVAKKAM POLICE STATION,
VILLIVAKKAM,
CHENNAI-600 049.

+1 C.C. to M/S.R.VIVEKANANTHAN Advocate on payment of necessary
charges SR.NO. 20286

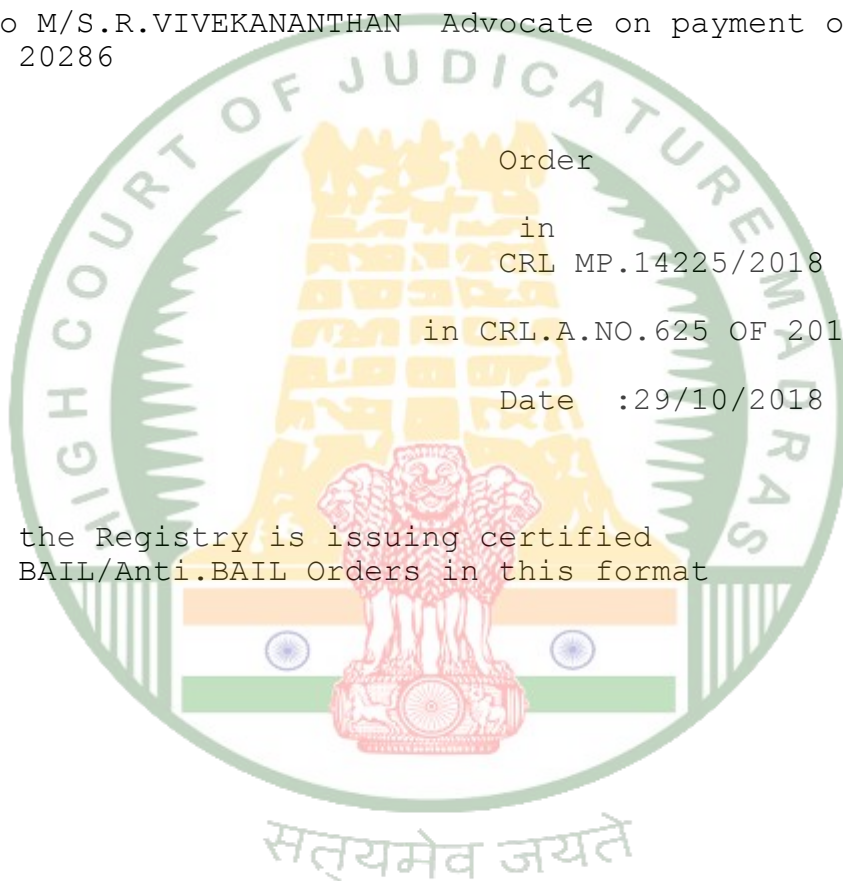
Order

in
CRL MP.14225/2018

in CRL.A.NO.625 OF 2018

Date :29/10/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 30/10/2018



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