

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Fourth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice V.PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.14314 of 2018

IN CRL.A.NO.662 OF 2018

KARTHIKEYAN

[PETITIONER]

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
TIRUPPUR SOUTH POLICE STATION,
TIRUPPUR DISTRICT.
CR. NO.62 OF 2018.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.662/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence and enlarge the petitioner on bail imposed in S.C.No. 47 of 2018 dt.5.10.2018 on the file of the Prl.Dist.and Sess.Judge, Tiruppur pending disposal of the above C.A.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Appeal No.662/2018 on the file of the High Court and upon hearing the arguments of M/S.C.S.SARAVANAN Advocate for the petitioner and of MR.V.SARTHA DEVI Government Advocate[crl.side] on behalf of the Respondent the court made the following order:-

The petitioner is A2 in S.C.No.47 of 2018, on the file of the Principal District and Sessions Judge, Tiruppur. He along with A1 was convicted for offence under Sections 392 r/w 397 and Section 506 (ii) of the Indian Penal Code. The maximum sentence imposed upon the petitioner/appellant is seven years Rigorous imprisonment, by the learned Principal District and Sessions Judge, Tiruppur. Hence, the petitioner seeks suspension of sentence.

2.The learned counsel for the petitioner would submit that there are several infirmities and inconsistencies found in the prosecution case. Further it is submitted by the learned counsel for the petitioner that the petitioner has only helped the complainant, but he has been falsely implicated in this case. He would also contend that there are contradictions in the material particulars between the evidence of the prosecution witnesses. The learned counsel would further submit that the petitioner is in custody for the past more than four months. Therefore, the learned counsel would pray for suspension of sentence.

3.Heard the learned Government Advocate (Criminal Side) on the submissions made by the learned counsel for petitioner. She would submit that the petitioner, at the knife point, threatened the de-facto complainant and snatched away his mobile phone and a sum of Rs.300/- and hence, he has been convicted for the offence under Section 392 IPC and therefore, he is not entitled to be released on bail.

4.Considering the facts and circumstances of the case and in view of the fact 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 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 for 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, No.II, Tiruppur, and on further condition that the petitioner shall appear before the said Court once in a month i.e. on the first working day of every month at 10.30 a.m. pending disposal of the appeal.

-sd/-
04/01/2019

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 PRINCIPAL DISTRICT AND
SESSIONS JUDGE, TIRUPPUR

2 THE JUDICIAL MAGISTRATE,
NO.II, TIRUPPUR

3 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR[FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
TIRUPPUR SOUTH POLICE STATION,
TIRUPPUR DISTRICT.

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

5 THE SUPERINTENDENT
CENTRAL PRISON, COIMBATORE

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.C.S.SARAVANAN Advocate on payment of necessary
charges SR.NO. 205

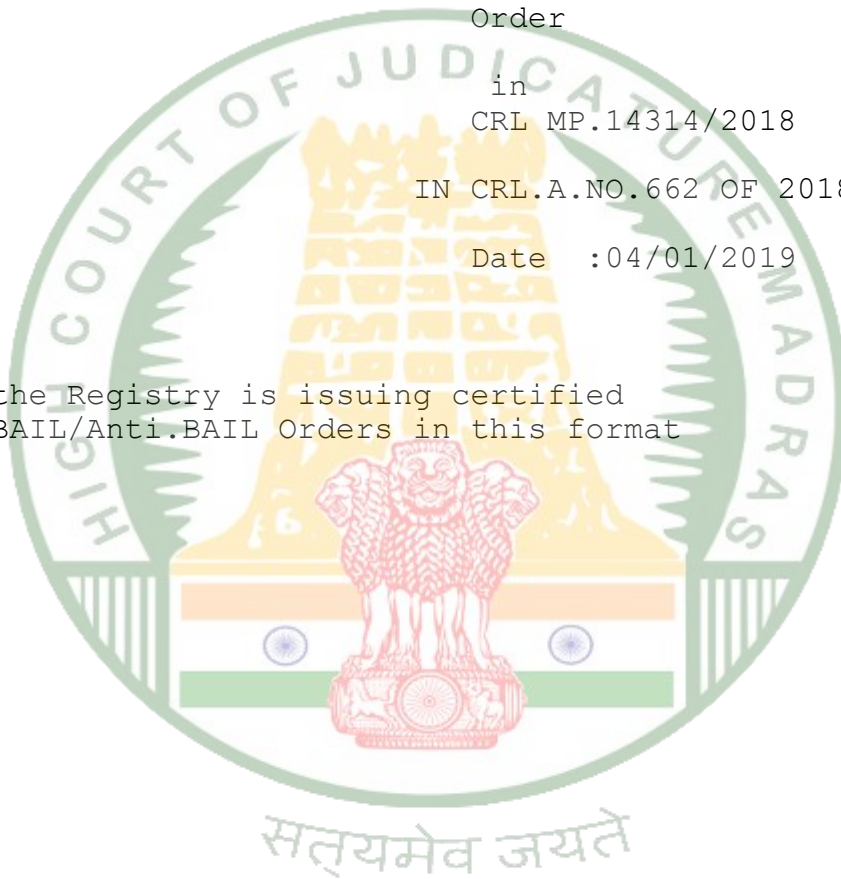
Order

in
CRL MP.14314/2018

IN CRL.A.NO.662 OF 2018

Date :04/01/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 04/01/2019



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