

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.14731 of 2018

IN CRL.A.No.691 OF 2018

MANI

[PETITIONER]

Vs

STATE BY

[RESPONDENT]

INSPECTOR OF POLICE,
PUDHUCHATRAM POLICE STATION,
NAMAKKAL DISTRICT.
CR. NO. 468 OF 2011.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.No.691 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment imposed in the judgment dt.10.10.2018 made in SC.No. 26 of 2012 on the file of the Prl.Sess.Court, Namakkal and enlarge the petitioner on bail pending disposal of the above CRL.A.No.691 OF 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.No.691 OF 2018 on the file of the High Court and upon hearing the arguments of MR.M.GURUPRASAD, Advocate for the petitioner and of MR.K.PRABAKAR, ADDITIONAL 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.26 of 2012 on the file of learned Principal Sessions Judge, Namakkal. Trial Court, under judgment dated 10.10.2018, convicted petitioner for an offence u/s.302 of IPC and sentenced him to undergo imprisonment for life and to pay a fine of Rs.5,000/- i/d to undergo simple imprisonment for one month. Further, convicted for an offence u/s.201 of IPC and sentenced him to undergo rigorous imprisonment for seven years and to pay a fine of Rs.1,000/- i/d to undergo simple imprisonment for one month. Seeking suspension of sentence, petitioner has moved the

2. Learned counsel for petitioner submits that the petitioner is confined at Central Jail, 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.

3. Heard learned Additional Public Prosecutor on the above submissions.

4. Considering the facts and circumstances of the case and also 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 No.II, Namakkal, 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

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

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PUDHUCHATRAM POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE.

+1C.C. to M/S.M.GURUPRASAD Advocate on payment of necessary
charges in SR.NO. 22504

Order

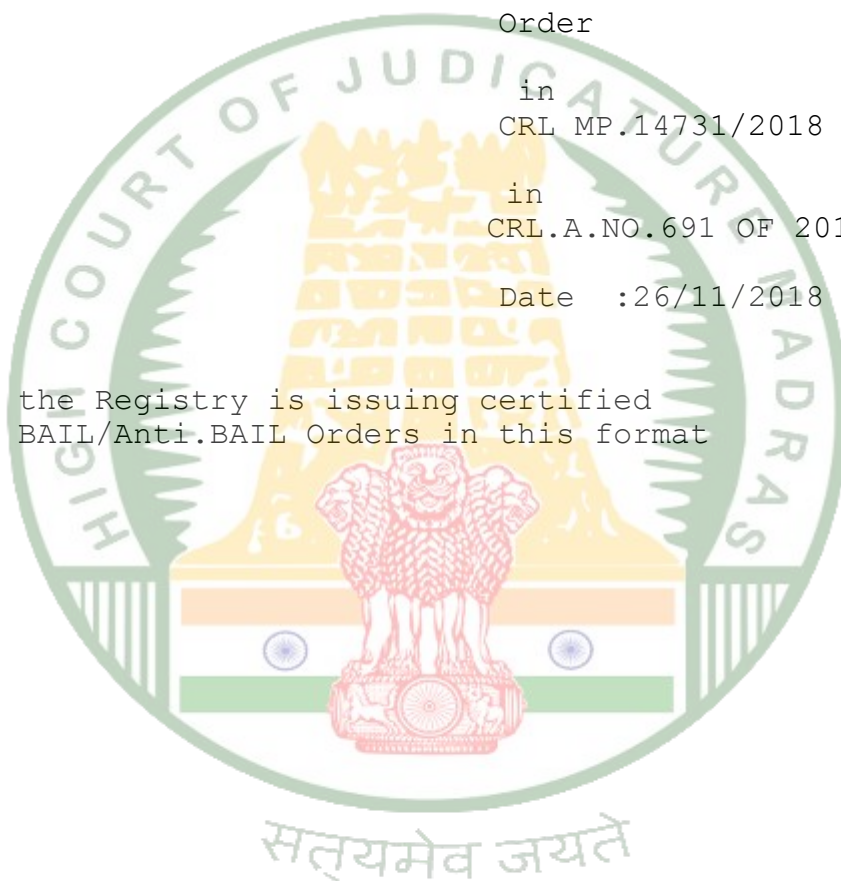
in
CRL MP.14731/2018

in
CRL.A.NO.691 OF 2018

Date :26/11/2018

From 7.2.2001 the Registry is issuing certified
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MLT-29/11/2018



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