

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Second day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.15172 of 2018

IN CRL A.713/2018

KANNADASAN

[PETITIONER]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
B-2 R.S.PURAM POLICE STATION,
COIMBATORE DISTRICT
CR.NO.29 OF 2018.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.713 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 dated 30.10.2018 made in S.C.No.121 of 2018 on the file of the learned First Additional District and Sessions Court, Coimbatore and enlarge the petition on bail pending disposal of the above criminal Appeal. [crl.mp.no.15172/2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.713/2018 on the file of the High Court and upon hearing the arguments of M/S.N.MANOKARAN Advocate for the petitioner and of Mrs.V.SARATHADEVI Government Advocate on behalf of the Respondent the court made the following order:-

Petitioner was convicted for an offence under Section 323 of IPC and was sentenced to pay a fine of Rs.1000/- in default, to undergo one month simple imprisonment and convicted for offence under Section 304(ii) of IPC and was sentenced to undergo ten years rigorous imprisonment and to pay a fine of Rs.1000/-, in default, to undergo one month simple imprisonment by the learned First Additional District and Sessions Court, Coimbatore, under judgment dated 30.10.2018 in S.C.No.121 of 2018. Hence, the petitioner seeks suspension of sentence.

2. The learned counsel for the petitioner would submit that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. The learned counsel would submit that a minor scuffle between the petitioner and the victim led to the unfortunate death of the victim.

According to the counsel, the petitioner in the circumstances of the case, could not have had knowledge that his act would eventually cause death. He would further submit that the petitioner is now confined at Central Prison, Coimbatore.

3. Having regard to the fact that there are arguable points involved in the revision and further, the revision is not likely to be taken up for final hearing in the near future and also considering the period of incarceration, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

4. 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.1, Coimbatore, and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending revision.

5. It is made clear that if this condition is not complied with, the interim suspension shall stand automatically vacated without any further reference to this Court.

-sd/-

22/11/2018

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.

TO

1 THE JUDICIAL MAGISTRATE,
NO.1, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

4 THE INSPECTOR OF POLICE,
B-2 R.S.PURAM POLICE STATION,
COIMBATORE DISTRICT

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE ADDITIONAL DISTRICT AND
SESSIONS COURT, COIMBATORE

C.C. to M/S.N.MANOKARAN Advocate on payment of necessary
charges

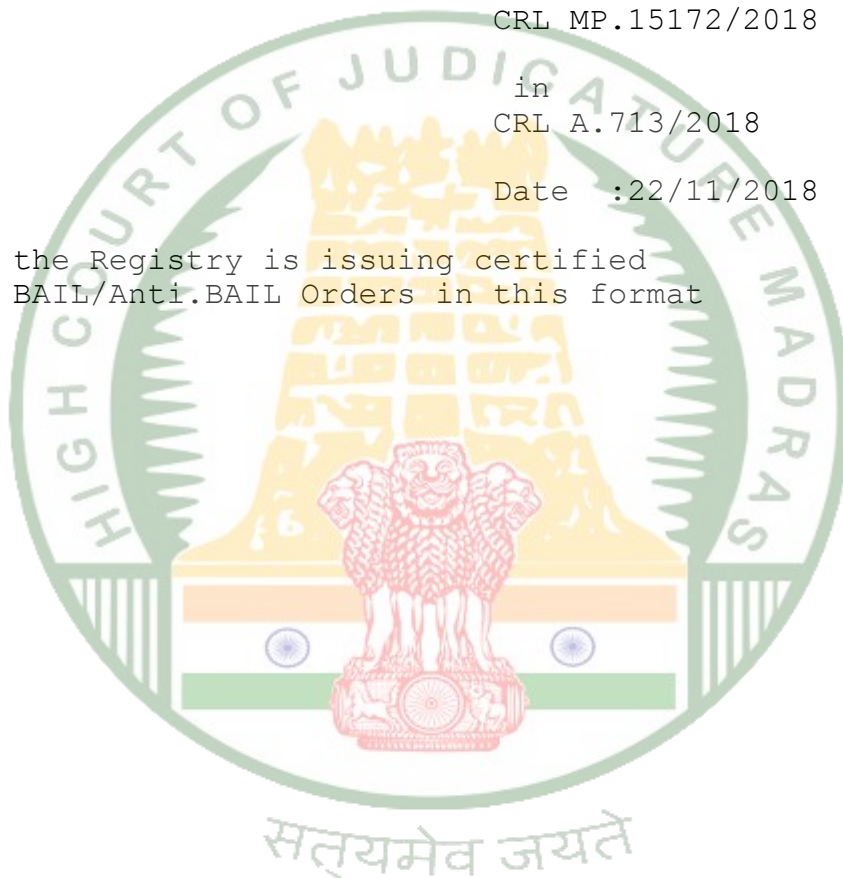
Order

in
CRL MP.15172/2018

in
CRL A.713/2018

Date :22/11/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 27/11/2018



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