

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.15553 of 2018

IN CRL RC.1318/2018

PRABHU

[ACCUSED / APPELLANT / PETITIONER]

Vs

STATE REP.BY,

[RESPONDENT]

INSPECTOR OF POLICE,
VELUR POLICE STATION,
NAMAKKAL.

CR.NO.1152 OF 2010.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.1318/2018 on the file of the High Court, the High Court will be pleased to suspend the execution of the sentence against the petitioner/accused by the Crl.A.23 of 18 on the file of the Sessions (Fast Track Mahila) Court, Namakkal, dated.13.07.18 in confirming the Judgment in C.C.19 of 2012 on the file of the Judicial Magistrate, Paramathy, Namakkal, dated 25/10/2017 enlarge the petitioner on bail, pending disposal of the above CRL RC.1318/2018 [IN CRL.MP.NO.15553 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.1318/2018 on the file of the High Court and upon hearing the arguments of M/S.STAR J., Advocate for the petitioner and of MR.G.HARIHARA ARUN SOMA SANKAR Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

Petitioner was convicted for an offence under Section 457 and 380 of IPC and was sentenced to undergo two years Rigorous Imprisonment and to pay a fine of Rs.100/-, in default, to undergo one month Rigorous Imprisonment for offence under Section 457 of IPC and was sentenced to undergo two years Rigorous Imprisonment and to pay a fine of Rs.100/-, in default, to undergo one month Rigorous Imprisonment for offence under Section 380 of IPC by the learned Judicial Magistrate, Paramathy, under judgment dated 25.10.2017 in C.C.No.19 of 2012. The conviction and sentence imposed by the trial Court was confirmed by the learned Sessions Judge, (Fast Track Mahila Court), Namakkal under judgment in C.A.No.23 of 2018, dated 13.07.2018. 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. He would further submit that the petitioner is now confined in Central Prison, Salem.

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, Paramathy, 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

सत्यमेव जयते
TRUE COPY

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

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TO

1 THE SESSIONS JUDGE,
(FAST TRACK MAHILA COURT), NAMAKKAL.

2 THE JUDICIAL MAGISTRATE,
PARAMATHY, NAMAKKAL.

3 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
VELUR POLICE STATION,
NAMAKKAL.

+1C.C. to STAR J. Advocate on payment of necessary charges
SR NO.22053

Order

in
CRL MP.15553/2018

in
CRL RC.1318/2018

Date :22/11/2018

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

MK:27/11/2018

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