

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Seventeenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

and

The Hon`ble Mrs Justice S. RAMATHILAGAM

CRIMINAL MISCELLANEOUS PETITION No.16181 of 2018

IN CRL.A.NO.294 OF 2018

1 MARI

[PETITIONERS]

2 ELLAMMAL

3 CHITRA

Vs

THE STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
MADURANTAGAM POLICE STATION,
KANCHEEPURAM DISTRICT.
CR.NO.876 OF 2009.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.294 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment passed against the petitioner in S.C.No.101 of 2013 dt 03.04.2018 passed by the Mahila Court, Chengalpet, and enlarge the petitioner on bail, pending disposal of the above CRL.A.NO.294 OF 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.294 OF 2018 on the file of the High Court and upon hearing the arguments of MR.J.C.DURAIRAJ ADVOCATE FOR M/S.K.A.MARIAPPAN, 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**)

Petitioners/A3 to A5 were convicted for offence u/s 302 r/w 109 IPC and sentenced to undergo Life Imprisonment (2 counts) and fine of Rs.10,000/-each [Rs.5000*2 each Life Imprisonment] i/d 6 months S.I by learned Sessions Judge, Mahila Court, Chengalpet, under judgment dated 03.04.2018 in SC.No.101/2013. Hence, petitioners seek suspension of sentence.

2. Learned counsel for petitioners would submit that the petitioners are 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.

3. We have heard learned counsel for petitioners and Mr.K.Prabakar, learned Additional Public Prosecutor for respondent.

4. Considering the facts and circumstances of the case and in view of the fact that the petitioners have 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 petitioners, 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 petitioners herein are entitled to the relief of grant of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are directed to be enlarged on bail on condition that each of 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 Mahila Court, Chengalpet, and on further condition that the petitioners shall appear before the concerned Court on the first working day of every month at 10.30.a.m. pending appeal.

-sd/-
17/12/2018

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 MAHILA COURT,
CHENGALPET.

2 THE INSPECTOR OF POLICE,
MADURANTAGAM POLICE STATION,
KANCHEEPURAM DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

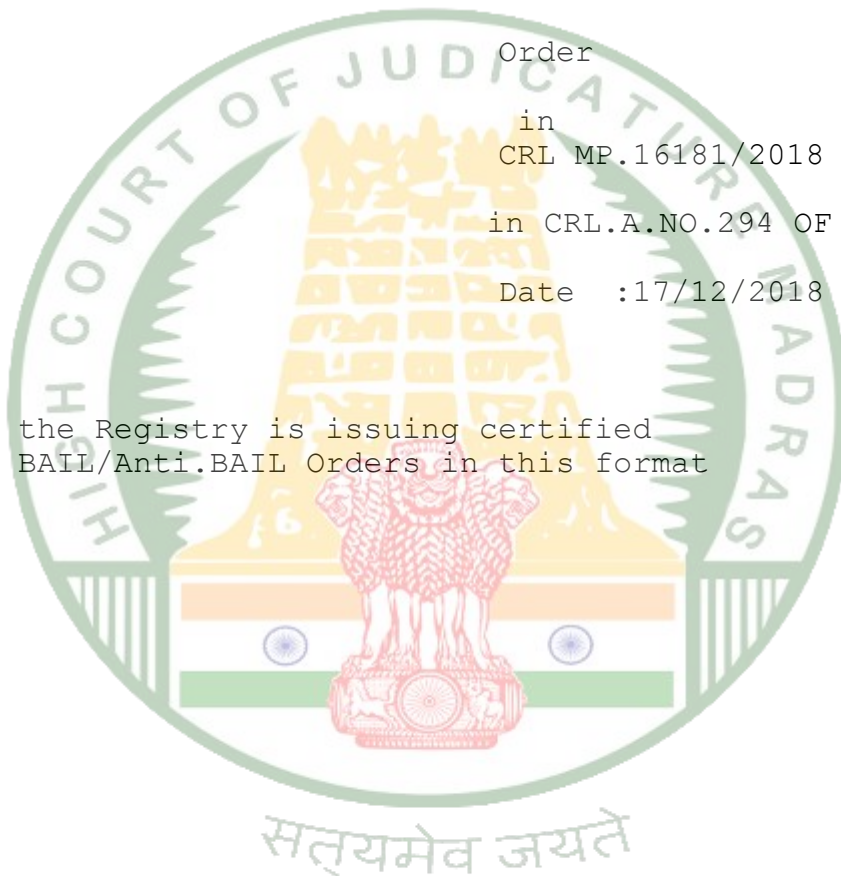
4 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI.

C.C. to M/S.K.A.MARIAPPAN Advocate on payment of necessary
charges

Order
in
CRL MP.16181/2018
in CRL.A.NO.294 OF 2018
Date :17/12/2018

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

MLT-17/12/2018



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