

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fourth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.15504 of 2018

in CRL.A.No.226 of 2018

SATHISHKUMAR

[PETITIONER / APPELLANT]

Vs

STATE REP.BY

[RESPONDENT/COMPLAINANT]

THE ASSISTANT COMMISSIONER OF POLICE,
WASHERMANPET RANGE,
H-6, RADHAKRISHNAN NAGAR POLICE STATION,
CHENNAI-600 021.
CRIME NO.56 OF 2014.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.No.226 of 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence to alleged offence u/s.304A IPC in S.C.30 of 2015 passed by the Honble Sessions Judge, Mahila Court (Magaliar Neethimandam), Chennai dated 02.03.2018, till disposal of the above appeal No.226 of 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.226 of 2018 on the file of the High Court and upon hearing the arguments of M/S.K.KANNAN, Advocate for the petitioner, and of Mrs.V.SARATHADEVI Government Advocate on behalf of the Respondent, the court made the following order:-

The petitioner is A1 in S.C.No.30 of 2015, on the file of the Sessions Judge, Mahila Court, (Magalir Neethimandram), Chennai. He along with A2 was convicted for offences under Sections 498A and 304B of the Indian Penal Code and was sentenced to undergo simple imprisonment for two years and to pay a fine of Rs.5000/-, in default, to undergo simple imprisonment for six months for offence under Section 498A IPC; seven years simple imprisonment for offence under Section 304 IPC by the learned Sessions Judge, (Mahalir Neethimandram, Chennai). Hence, the petitioner seeks suspension of sentence.

2.Learned counsel for the petitioner would submit that petitioner is in custody 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.Heard the learned Government Advocate (Criminal Side) on the submissions made by learned counsel for petitioner.

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 XV Metropolitan Magistrate, George Town, Chennai, and on further condition that the petitioner shall appear before the said Court once in a week i.e. on every Monday at 10.30 a.m. pending appeal.

-sd/-
04/12/2018

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 SESSIONS JUDGE,
MAHILA COURT (MAGALIR NEETHIMANDRAM),
CHENNAI

2 THE XV METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI

3 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE ASSISTANT COMMISSIONER OF POLICE,
WASHERMANPET RANGE,
H-6, RADHAKRISHNAN NAGAR POLICE STATION,
CHENNAI-600 021

+1C.C. to M/S.K.KANNAN Advocate on payment of necessary charges
SR.NO.23350

Order

in
CRL MP.No.15504 of 2018
in
CRL.A.No.226 of 2018

Date :04/12/2018

From 7.2.2001 the Registry is issuing certified
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cm 06/12/2018



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