

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.15727 of 2018

CR.A.NO.744 OF 2018

SARAVANAN

[PETITIONER]

Vs

THE STATE REP. BY [RESPONDENT]
THE INSPECTOR OF POLICE,
MEL CHENGAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.
CR.NO.27 OF 2011

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CR.A.NO.744 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the learned Principal District and Sessions Judge, Thiruvannamalai in S.C.No.34 of 2013 dt 31.10.2013 pending disposal of the above CR.A.NO.744 OF 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CR.A.NO.744 OF 2018 on the file of the High Court and upon hearing the arguments of MR.S.V.KARTHIKEYAN, 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 was convicted for offence u/s.364, 302 and 392 IPC and sentenced to undergo Life Imprisonment (2 counts) and fine of Rs.2,000/- each i/d 2 years R.I for offence u/s 364 & 302 IPC and 10 years R.I and fine of Rs.2,000/- i/d 2 years R.I for offence u/s 392 IPC by learned Principal District and Sessions Judge, Thiruvannamalai, under judgment dated 31.10.2018 in S.C.No.34 of 2013. Hence, petitioner seeks suspension of sentence.

2. Learned counsel for petitioner would submit that the petitioner is confined at Central Prison, Vellore and there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in the material evidence of the prosecution witnesses.

3. Heard learned Additional Public Prosecutor on the submissions made by learned counsel for petitioner.

4. Considering the fact that the body of the deceased had decomposed and therefore, there might be no definiteness about the death of the deceased having been caused owing to strangulation as also considering the circumstances of the case and in view of the fact that the petitioner has 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 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 the 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 in 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, Sengam, and on further condition that the petitioner 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 PRINCIPAL DISTRICT AND
SESSIONS JUDGE, THIRUVANNAMALAI.

2 THE JUDICIAL MAGISTRATE,
SENGAM.

3 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
MEL CHENGAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1C.C. to M/S.S.V.KARTHIKEYAN Advocate on payment of necessary
charges in SR.NO. 24126

Order

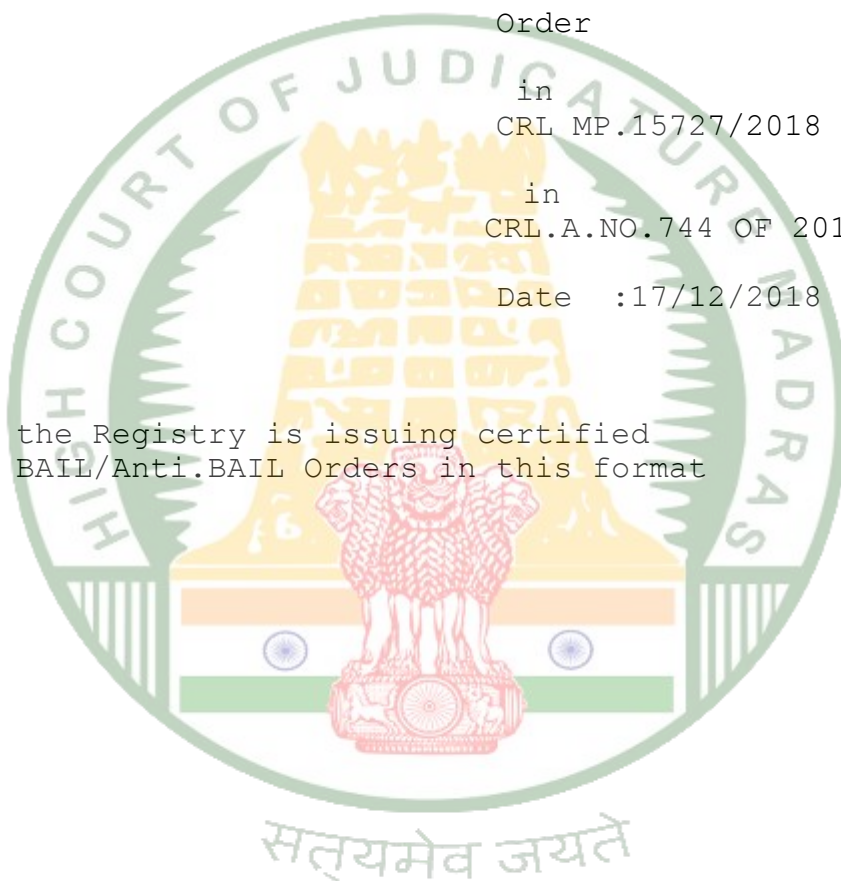
in
CRL MP.15727/2018

in
CRL.A.NO.744 OF 2018

Date :17/12/2018

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MLT-18/12/2018



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