

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Nineteenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

and

The Hon`ble Mrs Justice R. HEMALATHA

CRIMINAL MISCELLANEOUS PETITION No.16036 of 2018

IN CRL A.777/2018

SELVAKUMAR @ SELVAM [PETITIONER / APPELLANT]

Vs

STATE REPRESENTED BY [RESPONDENT]
INSPECTOR OF POLICE,
TIRUPPUR RURAL POLICE STATION,
TIRUPPUR.
CR.NO.806/2017.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.777/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner in the judgment dated 09.11.2018 made in SC No.20 of 2018 on the file of the Principal District and Sessions Court, Tiruppur and enlarge the petitioner on bail, pending disposal of the above CRL A.777/2018 [IN CRL.MP.NO.16036 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.777/2018 on the file of the High Court and upon hearing the arguments of M/S.I.C.VASUDEVAN Advocate for M/S.K.SUDHAKAR, 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/Accused faced trial in S.C.No.20 of 2018 on the file of learned Principal District and Sessions Judge, Tiruppur. Trial Court, under judgment dated 09.11.2018, convicted petitioner for an offence u/s.302 IPC and sentenced to undergo Life Imprisonment and imposed a fine of Rs.5,000/- i/d to undergo six months imprisonment. Seeking suspension of sentence, petitioner has moved the present petition.

2. Learned counsel for petitioner submits that the petitioner is confined at Central Prison, Coimbatore, and there are several infirmities and inconsistencies found in the prosecution case. It is

contended that there are contradictions in material particulars in the evidence of the prosecution witnesses.

3. Heard learned Additional Public Prosecutor on the above submissions.

4. Considering the facts and circumstances of the case and also considering the submissions of learned counsel on either side, we are of the considered view that it is a fit case to grant the relief of suspension of sentence to petitioner herein.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and 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 learned Judicial Magistrate No.IV, Tiruppur, and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-

19/12/2018

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 COURT, TIRUPPUR.

2 THE JUDICIAL MAGISTRATE,
NO.IV, TIRUPPUR.

3 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
TIRUPPUR RURAL POLICE STATION,
TIRUPPUR.

+1C.C. to M/S.K.SUDHAKAR Advocate on payment of necessary
charges SR NO.24393

Order

in

CRL MP.16036/2018

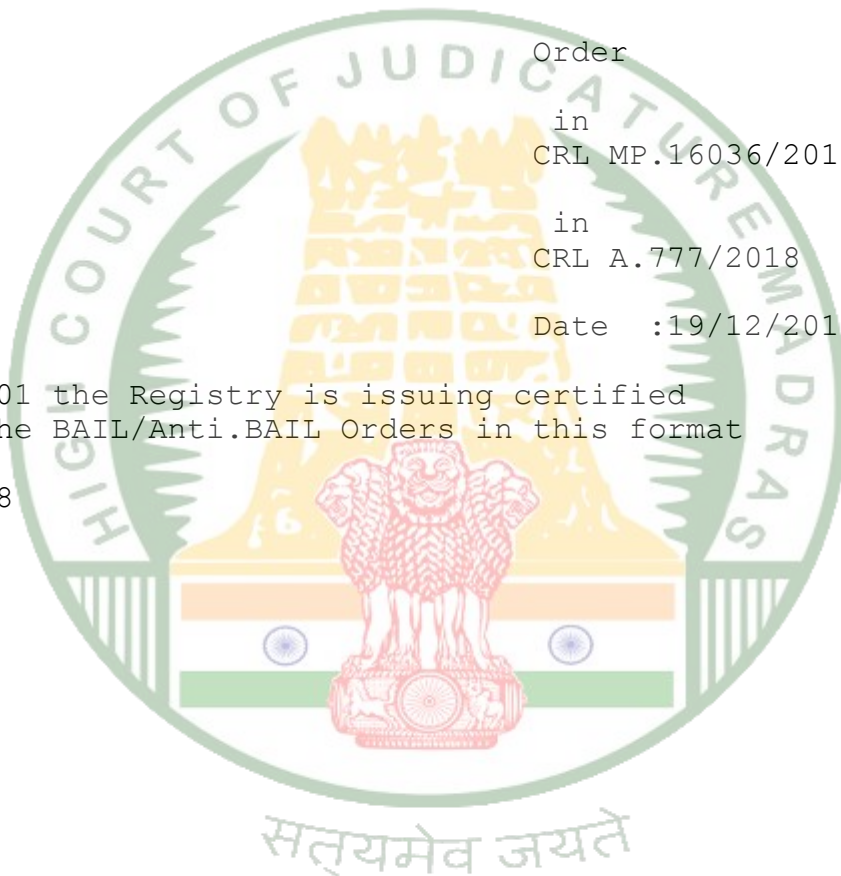
in

CRL A.777/2018

Date :19/12/2018

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

MK:21/12/2018



WEB COPY