

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 V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.17236 of 2018

IN CRL RC.1467/2018

RAJENDRA SINGH

[PETITIONER / APPELLANT / ACCUSED]

Vs

1 STATE REP. BY
PUBLIC PROSECUTOR,
COIMBATORE CITY,
COIMBATORE.

[RESPONDENTS]

2 SUNIL L SAMTANI

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL RC.1467/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment imposed in the judgement dated 24.09.2018 passed in C.A.No.207 of 2017 by the I Additional District and Sessions Court, Coimbatore confirming the judgment dated 01.07.2017 passed in C.C. No.277 of 2014 by the Fast Track Court Judicial Magistrate-II, Coimbatore, pending disposal of the above CRL RC.1467/2018 [IN CRL.MP.NO.17236 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL RC.1467/2018 on the file of the High Court and upon hearing the arguments of M/S.C.D.SUGUMAR, Advocate for the petitioner and of PUBLIC PROSECUTOR on behalf of the 1st Respondent, the court made the following order:-

This miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment dated 24.09.2018 passed in C.A.No.207 of 2017 by the I Additional District and Sessions Court, Coimbatore confirming the judgment dated 01.07.2017 passed in C.C.No.277 of 2014 by the Fast Track Court Judicial Magistrate No.II, Coimbatore, pending disposal of the above criminal revision.

2. The learned counsel for petitioner would submit that 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 learned Government Advocate (Crl.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 revision, as contended by learned counsel for petitioner and further the revision 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, this miscellaneous petition is allowed and the substantive sentence of imprisonment alone is suspended on condition that the petitioner shall deposit a sum of Rs.3,00,000/- to the credit of C.C.No.277 of 2014, on the file of Fast Track Court Judicial Magistrate No.II, Coimbatore, within a period of four weeks from the date of receipt of a copy of this order, failing which, the order of suspension of sentence shall stand vacated automatically, without any further reference to this Court and further 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 Fast Track Court Judicial Magistrate No.II, Coimbatore. Further, the petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m until further orders.

-sd/-

17/12/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

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

WEB COPY

TO

1 THE I ADDITIONAL DISTRICT AND
SESSIONS COURT, COIMBATORE.

2 THE FAST TRACK COURT
JUDICIAL MAGISTRATE NO.II, COIMBATORE.

3 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR,
COIMBATORE CITY,
COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S.C.D.SUGUMAR Advocate on payment of necessary
charges SR NO.24481

Order

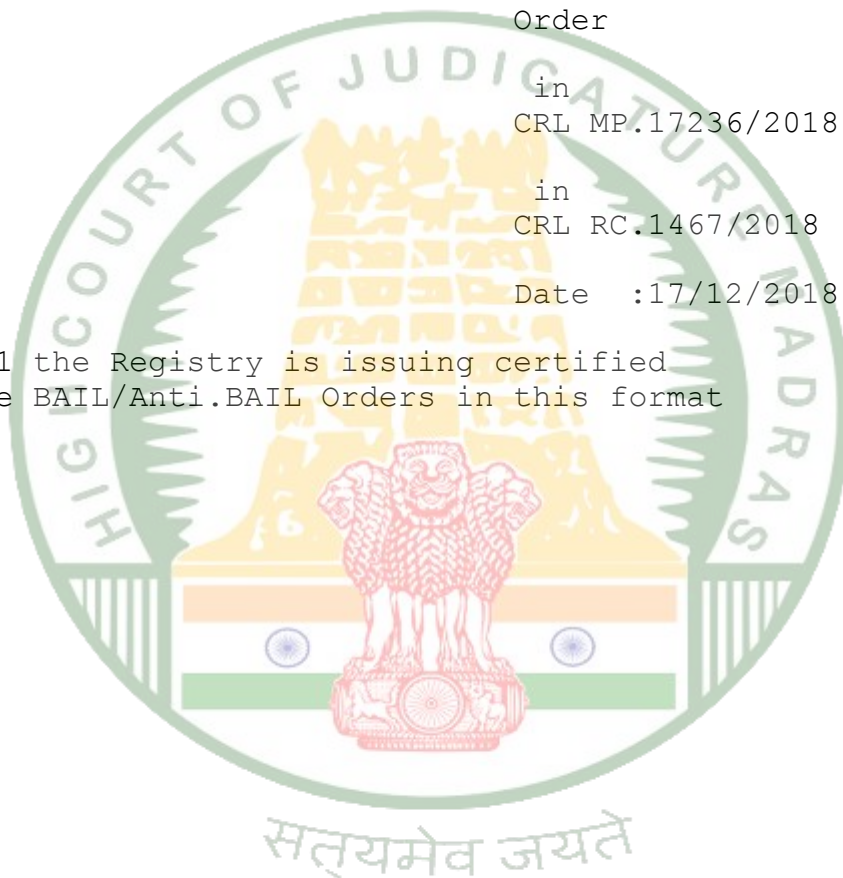
in
CRL MP.17236/2018

in
CRL RC.1467/2018

Date :17/12/2018

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

MK:20/12/2018



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