

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Eighteenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.17366 of 2018

IN CRL RC.1477/2018

DEVARAJ

[PETITIONER]

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE SUB INSPECTOR OF POLICE,
BERIGAI POLICE STATION, BERIGAI,
KRISHNAGIRI DISTRICT,
CR.NO.178 OF 2015.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1477/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the trial Court in a Judgment dated 18.09.2017 made in C.C.No.89 of 2015 on the file of the Learned Judicial Magistrate NO.I, Hosur Krishnagiri District, which was confirmed by a Judgment dated 20.11.2018 made in C.A.No.44/2017 on the file of the Learned Additional District and Sessions Court, Hosur, Krishnagiri District and enlarge him onbail, pending disposal of the Criminal Revision Case No.1477 of 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1477/2018 on the file of the High Court and upon hearing the arguments of M/S.P.M.DURAI SWAMY, Advocate for the petitioner and of MR.HARIHARAN ARUN SOMASANKAR, GOVERNMENT ADVOCATE [CRL.SIDE] on behalf of the Respondent the court made the following order:-

The petitioner is the sole accused in C.C.No.89 of 2015, on the file of the Judicial Magistrate No.I, Hosur, Krishnagiri District. He was convicted for offence under Sections 279 and 304(A) of the Indian Penal Code and was sentenced to undergo Rigorous Imprisonment for one year and to pay a fine of Rs.5,000/-, in default, to undergo Simple Imprisonment for six months for offence under Section 304(A) IPC by the learned Judicial Magistrate, No.1, Hosur, Krishnagiri. The said conviction and sentence were confirmed on appeal, by the Additional District and Sessions Judge, Hosur, Krishnagiri District, vide judgment dated 20.11.2018, in Crl.A.No.44 of 2017. Hence, the petitioner seeks suspension of sentence.

2.Learned counsel for the petitioner would submit that there are several infirmities and inconsistencies found in the prosecution case. It is also 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 the 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 case, as contended by learned counsel for the petitioner, and further the revision case 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 he 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 Judicial Magistrate No.I, Hosur, Krishnagiri District, 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 disposal of the revision case.

-sd/-

18/12/2018

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 ADDITIONAL DISTRICT AND
SESSIONS COURT, HOSUR,
KRISHNAGIRI DISTRICT.

2 THE JUDICIAL MAGISTRATE,
NO.I, HOSUR, KRISHNAGIRI DISTRICT.

3 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

4 THE SUB INSPECTOR OF POLICE,
BERIGAI POLICE STATION,
BERIGAI, KRISHNAGIRI DISTRICT.

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1C.C. to M/S.P.M.DURAI SWAMY Advocate on payment of necessary
charges in SR.NO. 24401

Order

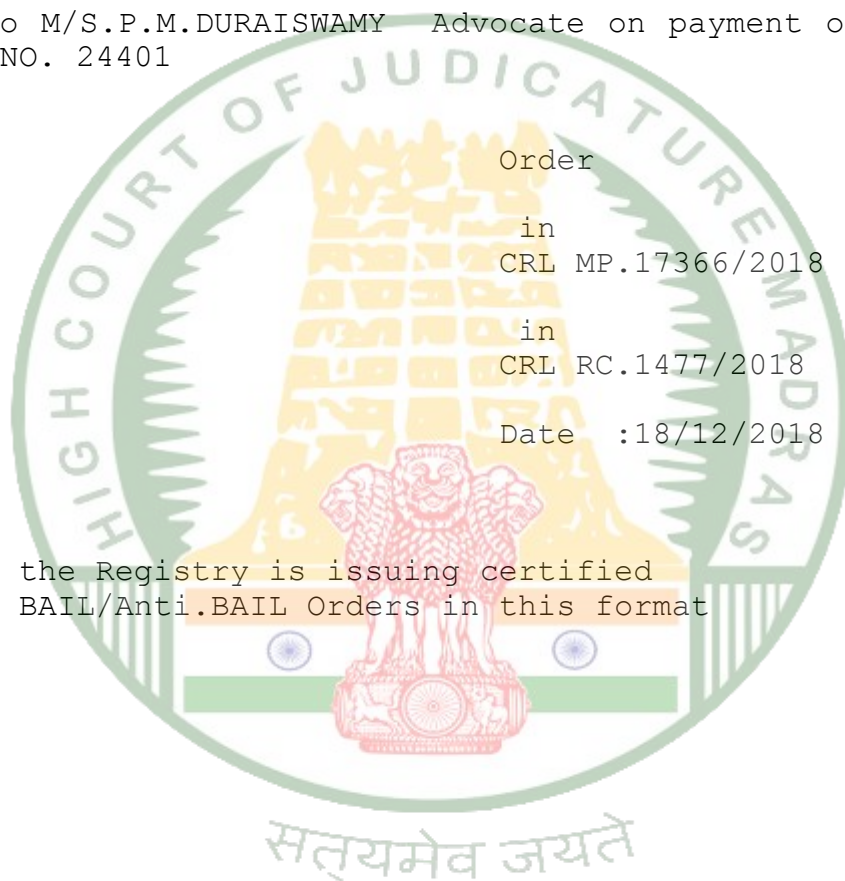
in
CRL MP.17366/2018

in
CRL RC.1477/2018

Date :18/12/2018

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MLT-19/12/2018



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