

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.17319 of 2018

IN CRL A.831/2018

JAYESH KANNA

[PETITIONER]

Vs

THE ASSISTANT COMMISSIONER
LAW AND ORDER(WEST),
COIMBATORE CITY.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.831/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence of R.I.for 3 years imposed on the appellant by the Learned IV Addl.Dist.Judge/Sessions Judge, Mahalir Neethi Mandram (Mahila Court) Coimbatore in SC.No.248 of 2015 dt.29.11.2018 and to enlarge him to bail pending disposal of the above CRL A.831/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.831/2018 on the file of the High Court and upon hearing the arguments of MR.S.RAMASAMY SENIOR COUNSEL FOR M/S.R.ANITHA, Advocate for the petitioner and of MR.V.SARATHA DEVI, GOVERNMENT ADVOCATE [CRL.SIDE] on behalf of the Respondent the court made the following order:-

The petitioner is A1 in S.C.No.248 of 2018, on the file of the IV Additional District Judge/Sessions Judge, Mahalir Neethi Mandram (Mahila Court), Coimbatore. He was convicted for offence under Section 498A of the Indian Penal Code and was sentenced to undergo Rigorous Imprisonment for three years and to pay a fine of Rs.10,000/-, in default, to undergo Rigorous Imprisonment for six months for offence under Section 498A IPC by the learned IV Additional District Judge/Sessions Judge, Mahalir Neethi Mandram (Mahila Court), Coimbatore. 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 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 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 IV Additional District Judge/Sessions Judge, Mahalir Neethi Mandram (Mahila Court), Coimbatore, 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/-
18/12/2018

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

सत्यमेव जयते
TRUE COPY

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

TO

1 THE IV ADDITIONAL DISTRICT
JUDGE / SESSIONS JUDGE,
MAHALIR NEETHI MANDRAM (MAHILA COURT),
COIMBATORE.

2 THE ASSISTANT COMMISSIONER
LAW AND ORDER (WEST),
COIMBATORE CITY.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S.R.ANITHA Advocate on payment of necessary
charges in SR.NO. 24252

Order

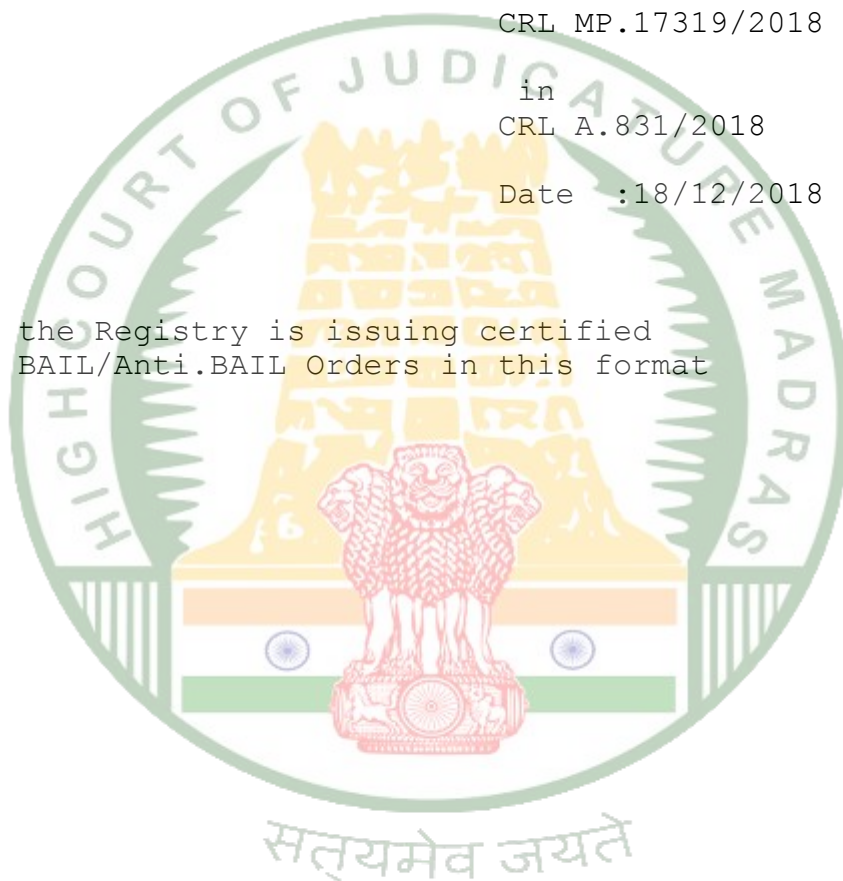
in
CRL MP.17319/2018

in
CRL A.831/2018

Date :18/12/2018

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

MLT-18/12/2018



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