



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Tenth day of January Two Thousand Eighteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP (MD) No.180 of 2018

IN

CRL A (MD) No.15 of 2018

WEB COPY

BENTICK RAJA @ RAJA

... PETITIONER/APPELLANT-1/ACCUSED-1

Vs

STATE REP.BY

THE DEPUTY SUPERINTENDENT OF POLICE,

NILAKOTTAI SUB-DIVISION, NILAKOTTAI POLICE STATION,

DINDIGUL DISTRICT.

(CRIME NO.161 OF 2016). ... RESPONDENT/RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed in Spl.S.C.No.96 of 2016 dated 18.12.2017 passed by the Learned Principal Sessions Judge, Dindigul District and enlarge the petitioner on bail pending disposal of main Criminal Appeal and thus render justice.

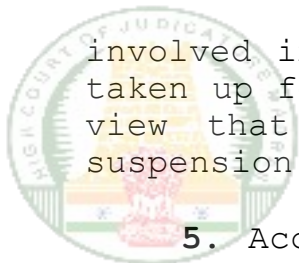
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.RAVI, Advocate for the petitioner and of MR.M.ASOKAN, Government Advocate(Crl.side) on behalf of the Respondent the court made the following order:-

It is seen that the petitioner has been convicted by the learned Principal Sessions Judge, Dindigul, in Special Sessions Case No.96 of 2016 for the offence under Section 324 of the Indian Penal Code and sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.15,000/- (Rupees Fifteen Thousand only), in default, to undergo six months simple imprisonment, by judgment dated 18.12.2017.

2. The learned counsel for the petitioner submitted that the petitioner has paid the fine amount of Rs.15,000/- (Rupees Fifteen Thousand only) and the Trial Court in Crl.M.P.No.2781 of 2017 has suspended the sentence under Section 389(3) Cr.P.C., till 18.01.2018.

3. The learned counsel for the petitioner has raised substantial points in the memorandum of appeal, which require a detailed consideration by this Court.

4. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner that there are several infirmities in the prosecution case in respect of the petitioner and that there are arguable points



involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Dindigul and on further condition that:

- (i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (ii) the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

sd/-
10/01/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE PRINCIPAL SESSIONS JUDGE, DINDIGUL
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE DEPUTY SUPERINTENDENT OF POLICE,
NILAKOTTAI SUB-DIVISION, NILAKOTTAI POLICE STATION,
DINDIGUL DISTRICT.

+1. C.C. to M/S.J.ANANDKUMAR Advocate SR.No.455

SML

MS/PN/SAR-2/11.01.2018 :2P/5C

ORDER
IN
CRL MP (MD) No.180 of 2018
IN
CRL A (MD) No.15 of 2018
Date :10/01/2018