



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

Thursday, the Nineteenth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.4941 of 2018
IN
CRL A(MD) No.289 of 2018

JABARAULLAH

... PETITIONER/ APPELLANT

Vs

STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID, (COUNTERFEIT NOTE WING),
MADURAI.
CRIME NO.3/2007

... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence of Imprisonment imposed by the V Additional District and Sessions Judge, Madurai in S.C.No.183/2016 dated 31/01/2018 enlarge the petitioner/appellant on bail, pending disposal of the above Crl.A.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.P.SENGUTTARASAN, Advocate for the petitioner and of Mr.M.CHANDRASEKARAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

Heard Mr.P.Senguttarasan, learned counsel appearing for the petitioner and Mr.M.Chandrasekaran, learned Additional Public Prosecutor appearing for the respondent.

2.This Petition is filed to suspend the sentence imposed by the learned V Additional and District Sessions Court, Madurai in S.C.No.183 of 2016 dated 31.01.2018 pending disposal of the Criminal Appeal.

3.The case against the petitioner is that on 26.04.2007, at about 03.00 p.m., the petitioner was found in possession of 8 counterfeid notes with the denomination of Rs.100/- each.

4.On the side of the petitioner, it is stated that there is no independent witness on the side of the prosecution. The petitioner is in custody for the past six months and prayed to suspend the sentence imposed upon the petitioner till the disposal of the appeal.



5.On the side of the respondent, it is stated that the petitioner is having previous case of similar nature, which reads as follows:

Police Stations	Crime Number	Offences under Sections
Trichy City E.Pudur Police Station	768 of 2017	489(B) & (C) of IPC
Dindigul CBCID	1 of 2004	489(A) to (D) r/w. 120(B) of IPC
Theni Allinagaram Police Station	847 of 2008	489(A) to (D) r/w. 120(B) of IPC
Tiruppur North Police Station	896 of 1998	120(B) r/w. 489(A) to (D) IPC and 256 r/w. 109 IPC

6.It is stated that the prosecution has examined nine witnesses and marked eight documents and M.O.1 series. Only based on the evidence and documents, the lower Court has correctly convicted the accused. The petitioner absconded from the year 2008 till March 2016 at the State of Jharkhand and the suspension of sentence will lead to help the accused to abscond again and objected to suspend the sentence imposed on the petitioner.

7.On the side of the petitioner, it is stated that out of the above four cases, two cases ended in acquittal. On the side of the respondent, it is stated that three cases are pending trial and one case is pending investigation.

8.Records perused. From the records, it is clear that the petitioner was absconding from the year 2008 till 2016. It is stated that similar cases are pending against the petitioner. In the above circumstances, this Court is not inclined to suspend the sentence imposed on the petitioner. This petition is dismissed.

sd/-
19/07/2018

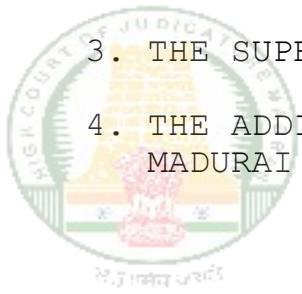
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE,
MADURAI.

2. THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID, (COUNTERFEIT NOTE WING),
MADURAI.



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3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP (MD) No.4941 of 2018

IN

CRL A (MD) No.289 of 2018

Date :19/07/2018

MS/MMS/SAR-2/26.07.2018/3P.5C