



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

Friday, the Thirty First day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

CRL MP (MD) No.6732 of 2018
IN
CRL A (MD) No.655 of 2007

THIRUPATHI @ KATTAKAL THIRUPATHI

... PETITIONER/ APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SOUTH GATE POLICE STATION, MADURAI.
IN CRIME NO.1889 OF 2005

... RESPONDENT/ RESPONDENT

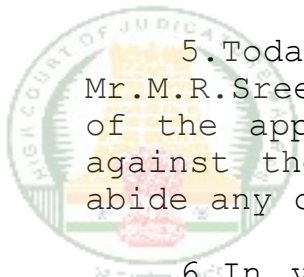
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed by the Judgment dated 14.11.2007 passed in S.C.No. 288/2007 on the file of the learned Additional Sessions court (Fast Track No. III), Madurai and enlarge the petitioner on bail, pending disposal of the Criminal Appeal

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.M.R.SREENIVASAN, Advocate for Legal Aid Counsel for the petitioner and of Mr.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The petitioner was convicted for the alleged offence under Section 392 r/w 397 IPC and sentenced to undergo 7 years rigorous imprisonment and to pay a fine of Rs.3,000/- and in default to undergo 6 months rigorous imprisonment and under Section 506(ii) IPC sentenced to undergo 2 years rigorous imprisonment and the sentences are to run concurrently.

2.This Court, by the order dated 09.01.2008, made in M.P.(MD) No.1 of 2007 in CrI.A.(MD)No.655 of 2007 had suspended the sentence imposed by the learned Additional Sessions Court (Fast Tract No.III), Madurai, in S.C.No.288 of 2007 dated 14.11.2007.

3.Thereafter, the petitioner / appellant has been remanded, pursuant to the order of this Court, dated 21.04.2018 on the ground that the appellant / accused failed to take up the appeal for the past 11 years.



5.Today, when the matter is taken up for hearing, Mr.M.R.Sreenivasan, learned Legal Aid Counsel has appeared on behalf of the appellant and submitted that there are no adverse remarks against the accused and the petitioner / appellant is willing to abide any condition and also ready to appear at any point of time.

6.In view of the same, I am inclined to suspend the sentence alone pending disposal of this Criminal Appeal, subject to a condition that the petitioner / appellant shall appear before the trial Court on every Monday at 10.30 a.m., until further orders.

7.In the result, this petition is allowed. The sentence of imprisonment awarded by the Trial Court is hereby suspended pending disposal of the above said Crl.A.(MD)No.655 of 2007 and the petitioner / appellant is directed to be enlarged on bail on him executing 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 Additional Sessions Court (Fast Tract No.III), Madurai, subject to a condition that the petitioner / appellant shall appear before the said Court on every Monday at 10.30 a.m. until further orders.

sd/-

31/08/2018

/ TRUE COPY /

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

TO

1. THE ADDITIONAL SESSIONS JUDGE,
(FAST TRACT NO.III), MADURAI.
2. THE JUDICIAL MAGISTRATE NO.4, MADURAI.
3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
4. THE SUPERINTENDENT,CENTRAL PRISON, MADURAI.
5. THE INSPECTOR OF POLICE,
SOUTH GATE POLICE STATION, MADURAI.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to Mr.M.R.SREENIVASAN Advocate SR.No.16698

ORDER IN
CRL MP(MD) No.6732 of 2018
IN
CRL A(MD) No.655 of 2007
Date :31/08/2018