

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Seventh day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.180 of 2019

IN CRL RC.26/2019

VENKATESAN

[PETITIONER/APPELLANT/ACCUSED]

vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
VANNARAPETTAI TRAFFIC POLICE STATION,
VANNARAPETTAI, CHENNAI.
CR.NO.182 OF 2011.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal RC. No.26 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed against the petitioner in C.C.No.69 of 2012 on 22.3.2017 by the Judicial Magistrate Court, Thiruvottiyur, Tiruvallur District, and the conviction and sentence was confirmed in C.A.No.54 of 2017 on 26.9.2018 by the Principal Sessions Judge, Tiruvallur, and enlarge the petitioner on bail pending disposal of the Crl.RC.26/2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.26 of 2019 on the file of the High Court and upon hearing the arguments of M/S.P.PUGALENTHI, Advocate for the petitioner and of Mr.G.HARI HARA ARUN SOMA SANKAR, 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.69 of 2012, on the file of the Principal Sessions Judge, Tiruvallur. 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 for offence under Section 304(A) IPC and sentenced to undergo simple imprisonment for six months for offence under Section 279 IPC by the learned Judicial Magistrate, Thiruvottiyur, vide judgment dated 22.03.2017. The said conviction and sentence were confirmed on appeal, by the Principal Sessions Judge, Tiruvallur, vide judgment dated 26.09.2018, in Crl.A.No.54 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, Thiruvottiyur, and on further condition that the petitioner shall appear before the said Court daily at 10.30 a.m. pending disposal of the revision case.

-sd/-

07/01/2019

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 JUDICIAL MAGISTRATE,
THIRUVOTTIYUR, TIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR. [FOR INFORMATION]

3 THE PRINCIPAL SESSIONS JUDGE,
TIRUVALLUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VANNARAPETTAI TRAFFIC POLICE STATION,
VANNARAPETTAI, CHENNAI.

+1 C.C. to M/S.P.PUGALENTHI Advocate on payment of necessary charges-Sr.351

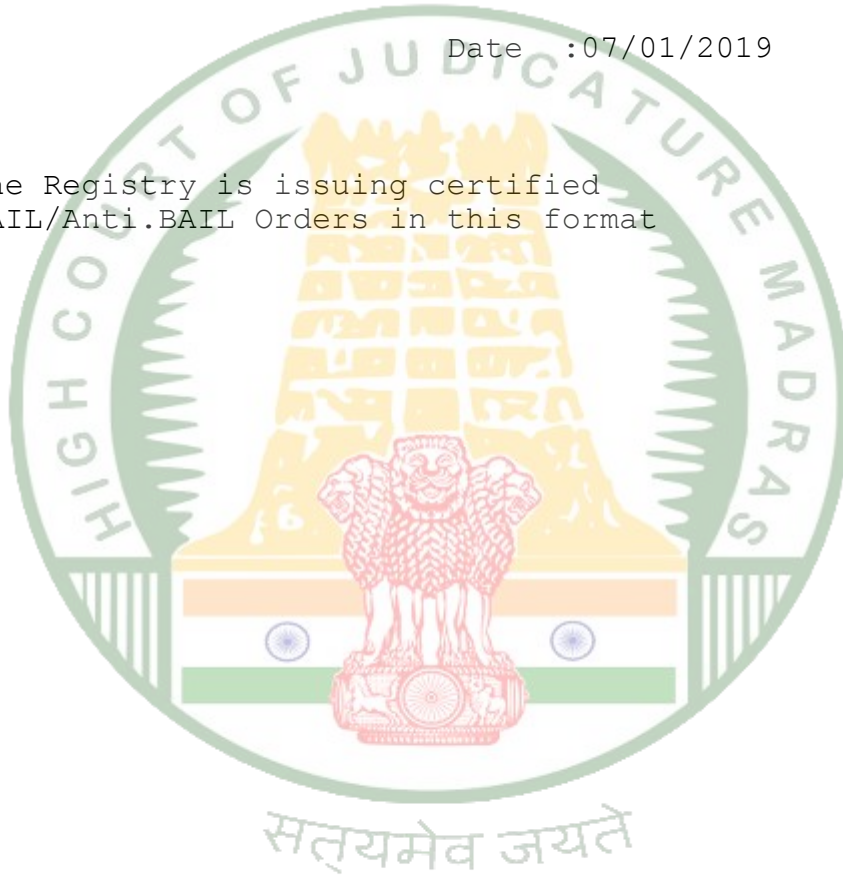
Order

in
CRL MP.180/2019

in
CRL RC.26/2019

Date :07/01/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 07.01.2019



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