

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the First day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

and

The Hon`ble Mrs Justice S. RAMATHILAGAM

CRIMINAL MISCELLANEOUS PETITION No.512 of 2019

IN CRL.A.NO.20 OF 2019

1 MANI
2 KANNAN

[PETITIONERS]

Vs

THE STATE REP BYI TS,
THE INSPECTOR OF POLICE,
KARIPATTY POLICE STATION,
SALEM DISTRICT,
CR.NO.309 OF 2014.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.20 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioners by judgment dated 21.12.2018 by the I Additional District & Sessions Judge, Salem in S.C.No.30 of 2016 and enlarge the petitioners on bail pending disposal of the CRL.A.NO.20 OF 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.20 OF 2019 on the file of the High Court and upon hearing the arguments of MR.B.VASUDEVAN, Advocate for the petitioner and of MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

[Order of the Court was made by **C.T.SELVAM, J**]

Petitioners/A1 and A2 and two others faced trial in S.C.No.30 of 2016 on the file of I Additional District Judge, Salem. Pending trial, A3 died. Under judgment dated 21.12.2018, trial Court, while acquitting A4 of all charges and petitioners/A1 and A2 of offence u/s.506(ii) IPC, convicted them for offence u/s.302 IPC and sentenced each of them to life imprisonment and fine of Rs.5,000/- i/d 6 months S.I. Seeking suspension of sentence passed against them, petitioners have moved the present petition.

2. Learned counsel for petitioners would submit that
<https://hcservices.ecourts.gov.in/hcservices/> petitioners are confined at Central Prison, Coimbatore and there are

several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in material particulars in the evidence of the prosecution witnesses. Learned counsel submits that petitioners have paid the fine.

3. Heard learned Additional Public Prosecutor on the submissions made by learned counsel for petitioners.

4. Considering the facts and circumstances as also the fact that it is not possible for the Court to take the Criminal Appeal in the near future and the submissions of learned counsel on either side, we are of the considered view that it is a fit case to grant the relief of suspension of sentence to petitioners herein.

Accordingly, the substantive sentence of imprisonment alone is suspended and petitioners are directed to be enlarged on bail on condition that each of the petitioners shall execute a bond in a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a like sum to the satisfaction of learned Judicial Magistrate II, Salem and on further condition that petitioners shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-
01/02/2019

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 I ADDITIONAL DISTRICT &
SESSIONS JUDGE, SALEM.

2 THE JUDICIAL MAGISTRATE,
NO.II, SALEM.

3 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
KARIPATTY POLICE STATION,
SALEM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

C.C. to M/S.B.VASUDEVAN Advocate on payment of necessary charges

Order

in
CRL MP.512/2019
IN CRL.A.NO.20 OF 2019
Date :01/02/2019

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

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