

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirty First day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.876 of 2019

AND CRL.A.NO.103 of 2018

MANI @ MANIKANDAN

[PETITIONER]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
B-9, SARAVANAMPATTI POLICE STATION (CRIME),
COIMBATORE CITY.
CR.NO.1041 OF 2011.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentence passed by the IV Additional District and Sessions Judge at Coimbatore in S.C.No.145 of 2012 dated 18.12.2012 and to enlarge the petitioner on bail pending disposal of the present Crl.A.No.103/2018.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.R.JAYAPRAKASH, Advocate for M/S.R.KARTHICK SEVUGAPERUMAL, Advocate for the petitioner and of MR. V.SARATHA DEVI, Govt. Advocate (Crl. Side), on behalf of the Respondent, the court made the following order:-

The petitioner/accused has been arrayed as A1 in S.C.No.145 of 2012. He has been convicted for offence under Sections 457 and 380 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for five years and also directed to pay a fine of Rs.5,000/-, in default, he was sentenced to undergo simple imprisonment for two months for offence under Section 457 IPC: sentenced to undergo rigorous imprisonment for five years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for two months for offence under Section 480 IPC, by the learned IV Additional District and Sessions Judge, Coimbatore, under judgment dated 18.12.2012, in S.C.No.145 of 2012. Hence, the petitioner seeks suspension of sentence.

2.In response to the suspension of sentence petition, a counter affidavit has been filed on behalf of the respondent. In the counter affidavit, it is stated that the petitioner has previous history of committing same offence on 13 occasions and had been convicted and sentenced in five cases and the remaining are pending.

3.It appears that the petitioner is a habitual offender committing the same kind of crimes over a period of time. In the said circumstances, this Court is not inclined to grant suspension of sentence and therefore, this Criminal Miscellaneous Petition is dismissed.

-sd/-

31/01/2019

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 IV ADDITIONAL DISTRICT
AND SESSIONS JUDGE, COIMBATORE.

2 THE INSPECTOR OF POLICE,
B-9, SARAVANAMPATTI POLICE STATION (CRIME),
COIMBATORE CITY.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

C.C. to M/S.R.KARTHICK SEVUGAPERUMAL Advocate on payment of
necessary charges

Order

in
CRL MP.876/2019
AND
CRL.A.No.103/2018

Date :31/01/2019

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TA-05/02/2019