

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirtieth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.1511 of 2019

IN CRL RC.167/2019

VENKATESAN

[PETITIONER/APPELLANT/ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
UTHANGARAI POLICE STATION.
CR. NO.1 OF 2012.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal RC No.167 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in the judgment in C.A.No.15 of 2018 (In the court of the Principal District and Sessions Judge, Krishnagiri, Krishnagiri District) dt.20.11.2018 confirming the conviction and sentence imposed in the judgment dt.23.2.2018 in C.C.No.47 of 2012 by the Judicial Magistrate at Uthangarai and grant bail to the petitioner.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.167 of 2019 on the file of the High Court and upon hearing the arguments of M/S.D.ASHOK KUMAR, Advocate for the petitioner and of Mr.G.HARIHARA ARUN SOMASANKAR, 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.47 of 2012, on the file of the Judicial Magistrate, Uthangarai, Krishnagiri District. He was convicted for offence under Sections 279, 337 and 304(A) of the Indian Penal Code and was sentenced to undergo simple Imprisonment for one month and also imposed with a fine of Rs.1000/- for offence under Section 279 IPC; imposed with a fine of Rs.500/- for offence under Section 337 of IPC and sentenced to undergo one month simple imprisonment and also imposed with a fine of Rs.1000/- for offence under Section 304(A) IPC, vide judgment dated 23.02.2018. The said conviction and sentence were confirmed on appeal, by the Principal District Sessions Judge, Krishnagiri, vide judgment dated 20.11.2018 in Crl.A.No.15 of 2018. 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 appeal, as contended by learned counsel for the petitioner and further the appeal 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, Uthangarai, and on further condition that the petitioner shall appear before the said Court once in a month, i.e., on the first working day of every month at 10.30 a.m. pending disposal of the appeal.

-sd/-

30/01/2019

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,
UTHANGARAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PRINCIPAL DISTRICT
SESSIONS JUDGE, KRISHNAGIRI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
UTHANGARAI POLICE STATION.

+1 C.C. to M/S.D.ASHOK KUMAR Advocate on payment of necessary
charges-Sr.2106

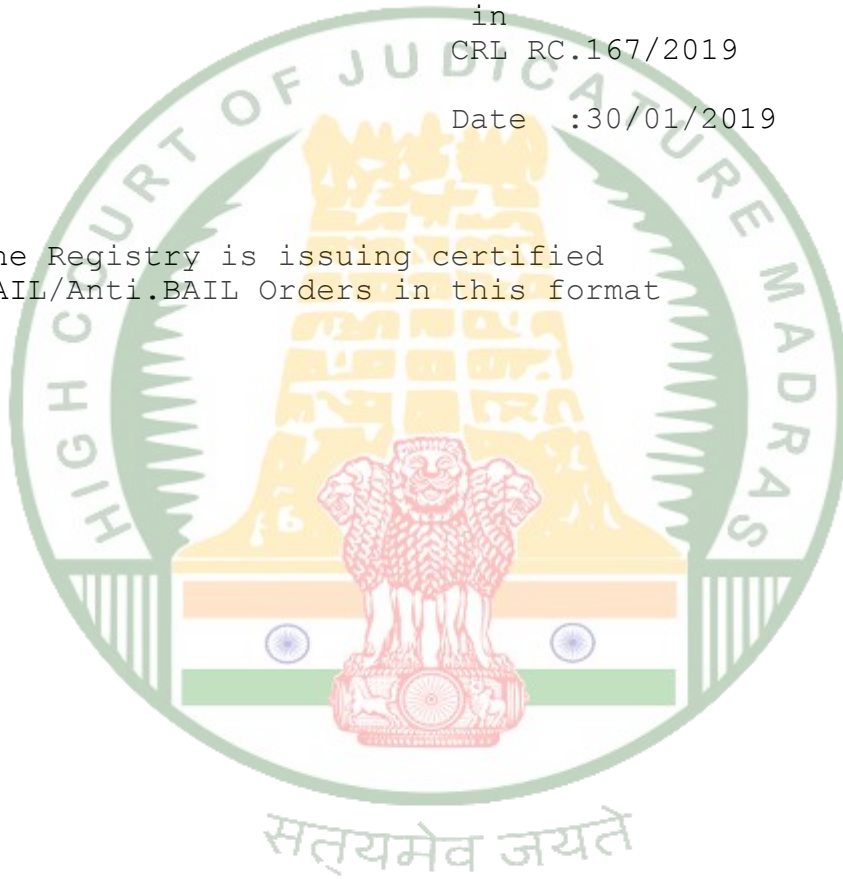
Order

in
CRL MP.1511/2019

in
CRL RC.167/2019

Date :30/01/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 30.01.2019



WEB COPY