

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fifth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.1118 of 2019

IN CRL A.57/2019

KUMAR

[APPELLANT/ACCUSED]

vs

STATE BY

[RESPONDENT]

INSPECTOR OF POLICE,
EDAIYUR POLICE STATION,
CR.NO.132 OF 2008.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.57 OF 2019 on the file of the High Court, the High Court will be pleased to Suspend the sentence awarded in S.C.No.108 of 2010 dt.21.12.2018, on the file of District and Sessions Judge, Thiruvavarur, pending disposal of the above CRL.A.NO.57/2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.57 of 2019 on the file of the High Court and upon hearing the arguments of M/S.K.SUGUMARAN, Advocate for the petitioner and of MRS. V.SARATHA DEVI, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

The petitioner is the sole accused in S.C.No.108 of 2010, on the file of the District & Sessions Judge, Thiruvavarur. By judgment dated 21.12.2018, he was convicted for offence under Sections 452, 294(b), 326 and Section 3(1) of the Tamil Nadu Public Property (Loss and Damage) Prevention Act 1992. The maximum sentenced imposed on him is 18 months Rigorous Imprisonment for the offence under Section 3(1) of the TNPPDL Act. Challenging the said conviction and sentence, the petitioner has preferred the above appeal. Pending appeal, the petitioner seeks for suspension of sentence.

2.Learned counsel for the petitioner would submit that petitioner is in custody and there are several infirmities and inconsistencies found in the prosecution case. It is 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 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 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 the petitioner 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, Thiruthuraipoondi, and on further condition that the petitioner shall appear before the said Court once in a week i.e. on every Monday at 10.30 a.m. pending disposal of the appeal.

-sd/-
25/01/2019

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,
THIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE DISTRICT AND SESSIONS
JUDGE, THIRUVARUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
EDAIYUR POLICE STATION,

+1 C.C. to M/S.K.SUKUMARAN Advocate on payment of necessary charges-Sr.1695

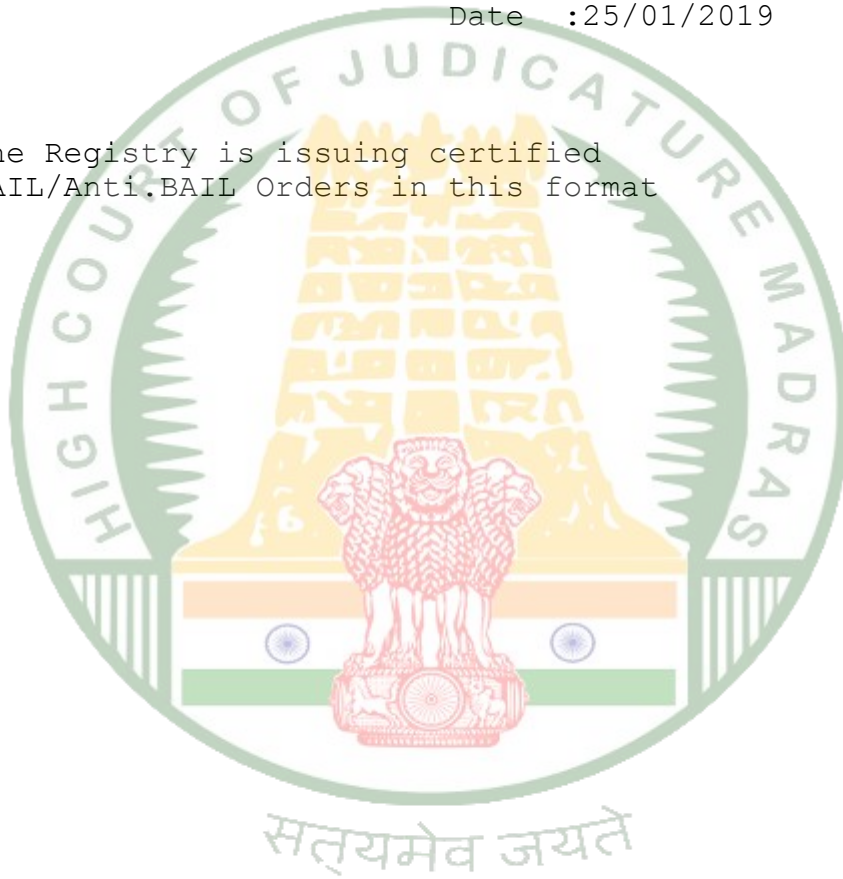
Order

in
CRL MP.1118/2019

in
CRL A.57/2019

Date :25/01/2019

From 7.2.2001 the Registry is issuing certified
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ths : 28.01.2019



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