

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

and

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.2168 of 2019

in CRL.A.NO.686 OF 2017

JADEJA @ THIYAGARAJAN

[PETITIONER]

Vs

[RESPONDENT]

STATE REP.BY
THE INSPECTOR OF POLICE,
ANNATHANAPATTI POLICE STATION,
SALEM DISTRICT.
CR.NO.121 OF 2013.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.686/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner by the 1st Additional District and Sessions Judge, Salem by Judgment dated 22.12.2014 in SC.No.55 of 2014 and enlarge the petitioner on bail pending criminal appeal.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.686/2017 on the file of the High Court and upon hearing the arguments of M/S.B.VASUDEVAN Advocate for the petitioner and of MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

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

Petitioner/A1 along with two others faced trial in S.C.No.55 of 2014 on the file of learned I Additional District and Sessions Judge, Salem. Under judgment dated 22.12.2014, trial Court convicted petitioner for offences u/s.364, 302 and 506(ii) IPC and sentenced to 10 years R.I. and fine of Rs.1,000/- i/d 6 months S.I. for offence u/s.364 IPC, life imprisonment and fine of Rs.1,000/- i/d 6 months S.I. for offence u/s.302 IPC and 2 years R.I. for offence u/s.506(ii) IPC. Seeking suspension of sentence passed against him, petitioner has moved the present petition.

2. Learned counsel for petitioner would submit that petitioner is 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.

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

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 petitioner herein.

Accordingly, the substantive sentence of imprisonment alone is suspended and petitioner is directed to be enlarged on bail on condition that petitioner 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 IV, Salem and on further condition that petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-

07/02/2019

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 JUDICIAL MAGISTRATE,
NO.IV, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM[FOR INFORMATION]

3 THE I ADDITIONAL DISTRICT AND
SESSIONS JUDGE, SALEM

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
ANNATHANAPATTI POLICE STATION,
SALEM DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>

+1 C.C. to M/S.B.VASUDEVAN Advocate on payment of necessary charges SR.NO. 2755

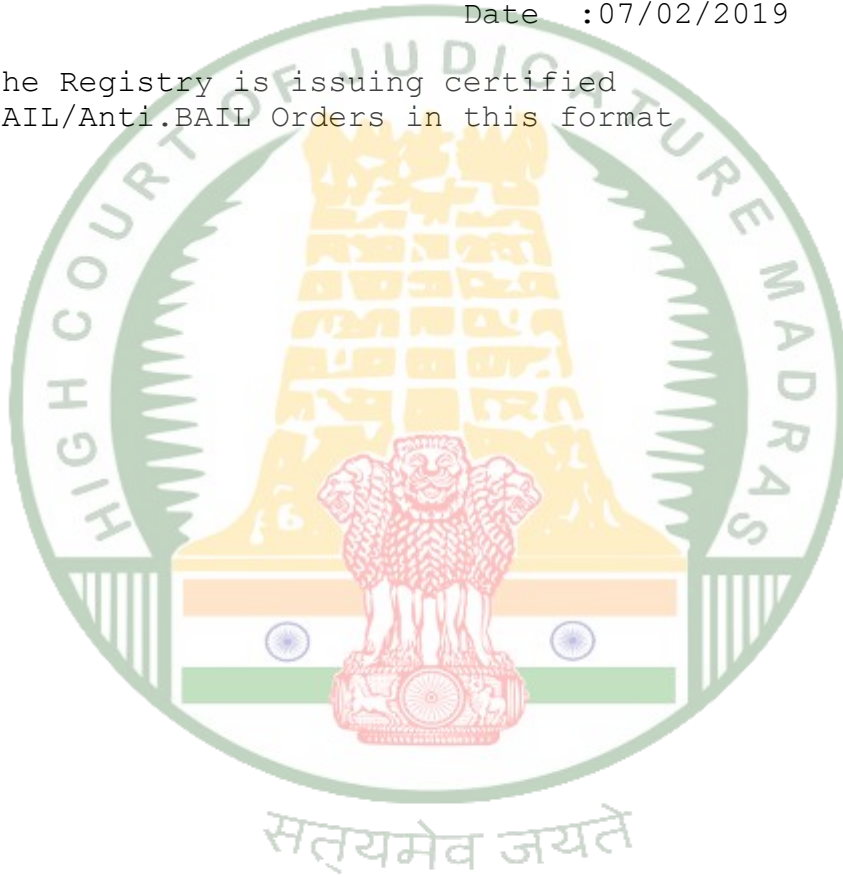
Order

in
CRL MP.2168/2019

in CRL.A.NO.686 OF 2017

Date :07/02/2019

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format
RD 08/02/2019



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