

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eleventh day of November Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M.M.SUNDRESH

and

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION No.3396 of 2019

in CRL.A.NO.132 OF 2019

GANESHAN

[PETITIONER]

Vs

STATE BY
INSPECTOR OF POLICE,
TIRUPPUR RURAL POLICE STATION,
TIRUPPUR DISTRICT.
CR.NO.240 OF 2015.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.132/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner herein by the learned II Additional District and Session Judge, Tiruppur Dt, made in S.C.No.147 of 2015 by Judgment dated 10.01.2019 on his file and enlarge him on bail pending disposal of the above Appeal.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.132/2019 on the file of the High Court and upon hearing the arguments of M/S.S.PARAMESWARAN 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 M.M.SUNDRESH,J)

The petitioner has been arrayed as A1 in S.C.No. 147 of 2015 on the file of the II Additional District and Sessions Judge, Tiruppur. The trial Court, by judgment dated 10.01.2019 convicted the petitioner for the offence punishable under Sections 364(A) IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo one year rigorous imprisonment. Seeking suspension of sentence imposed, the present petition has been filed.

2. There are totally two accused. While the petitioner has been convicted for the offence, A2 has been acquitted. The case of the prosecution is that the petitioner abducted a minor boy and demanded

a ransom of Rs.5,000/-. Thereafter, on receipt of the same, he released the boy. The trial Court, considering the evidence available, convicted the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been under incarceration from 10.01.2019 onwards. When the trial Court disbelieved the case of the prosecution as against A2, the same would have been extended to the petitioner also. The petitioner has raised many grounds in the appeal, which are substantive in nature. Therefore, the sentence imposed will have to be suspended.

4. The learned Additional Public Prosecutor appearing for the State submitted that the trial Court relied upon the evidence of P.Ws. 1 to 5. This was corroborated by the evidence of P.W.12 - Doctor. There was also a recovery. Thus, this petition will have to be dismissed.

5. We do find sufficient grounds in the appeal to be agitated upon. The petitioner has been under incarceration from 10.01.2019 onwards. Thus, considering the above, we are inclined to suspend the sentence. On verification, the learned Additional Public Prosecutor submitted that the petitioner has not involved in any other similar offence.

6. Considering the above coupled with the period of incarceration of the petitioner, we are inclined to suspend the sentence. Accordingly, the substantive sentence of imprisonment alone is suspended on condition that the petitioner executes 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 Judicial Magistrate, No.I. Thiruppur, Thiruppur District and on further condition that the petitioner shall appear before the concerned Court on the first working day of every month at 10.00 a.m., pending appeal.

-sd/-

11/11/2019

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 II ADDITIONAL DISTRICT AND
SESSIONS JUDGE, TIRUPPUR

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

2 THE JUDICIAL MAGISTRATE,
NO.I, THIRUPPUR, THIRUPPUR DISTRICT

3 THE SUPERINTENDNT
CENTRAL PRISON, COIMBATORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
TIRUPPUR RURAL POLICE STATION,
TIRUPPUR DISTRICT.

+2 C.C. to M/S.S.PARAMESWARAN Advocate on payment of necessary
charges SR.NO. 23095

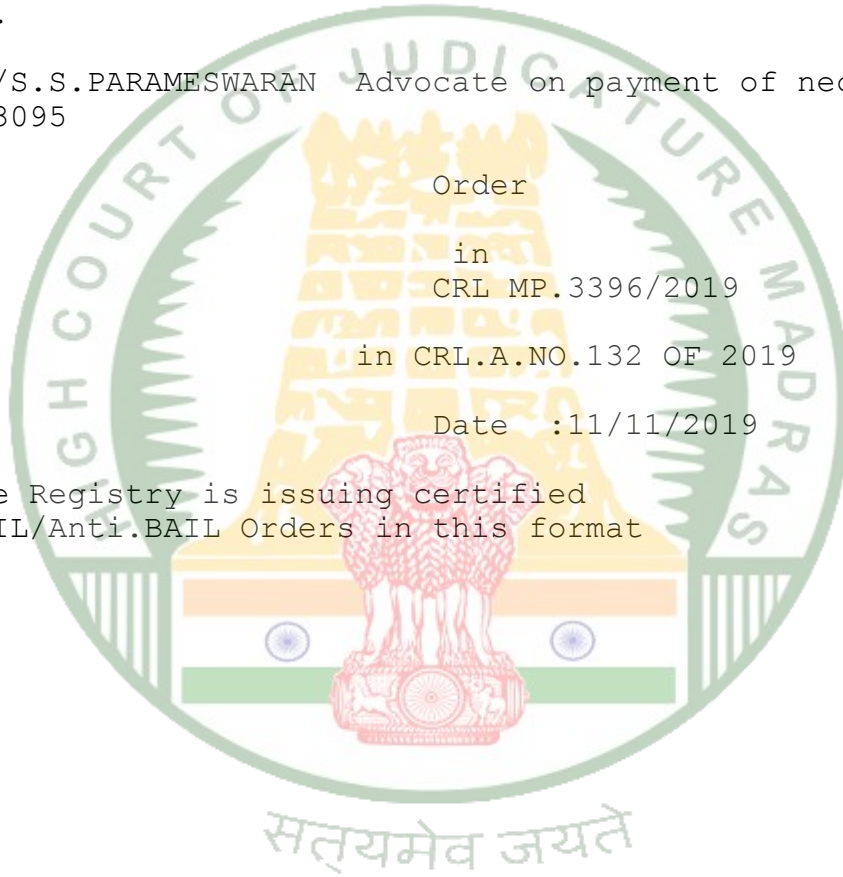
Order

in
CRL MP.3396/2019

in CRL.A.NO.132 OF 2019

Date :11/11/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 11/11/2019



WEB COPY