

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Second day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.6878 of 2019

IN CRL A.311/2019

MANICKAM

[PETITIONER]

Vs

ASST. COMMISSIONER, LAW AND ORDER, [RESPONDENT]
SALEM CITY, SOUTH DIVISION OF
KONDALAMPATTI POLICE STATION.
CR.NO.51 OF 2015

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.311/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment passed in SC No.310 of 2015 on the file of Sessions Judge, Mahila Court, Salem and enlarge him on bail pending disposal of CA No.311 of 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.311/2019 on the file of the High Court and upon hearing the arguments of M/S.K.V.SRIDHARAN, Advocate for the petitioner and of MR.KRITIKA KAMAL.P Governed Advocate on behalf of the Respondent the court made the following order:-

The petitioner has been convicted in S.C.No.310 of 2015 on 25.02.2019 by the Sessions Judge, Mahila Court, Salem, for the offence under Sections 498-A and 304-B IPC and has been sentenced to undergo various terms of imprisonment, maximum being 7 years Rigorous Imprisonment under Section 304-B IPC. While so, the petitioner has filed the present Criminal Miscellaneous Petition seeking suspension of sentence and bail.

2. The learned counsel for the petitioner brought to the notice of this Court that the deceased Poornima had filed a divorce petition on the ground that the petitioner is an impotent person and thereafter, she withdrawn the said petition.

3. While that being so, the allegation that she committed suicide due to dowry harassment by the petitioner, cannot be countenanced.

4. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Further, the appeal is not likely

to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate, Additional Mahila Court, Salem and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate, Additional Mahila Court, Salem, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(ii) the petitioner shall appear before the trial Court on the first working day of every month until disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

-sd/-

22/08/2019

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.

सत्यमेव जयते

TO

1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 ASST. COMMISSIONER, LAW AND ORDER,
SALEM CITY, SOUTH DIVISION OF
KONDALAMPATTI POLICE STATION. \

5 THE SESSIONS JUDGE
MAHILA COURT, SALEM

6 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

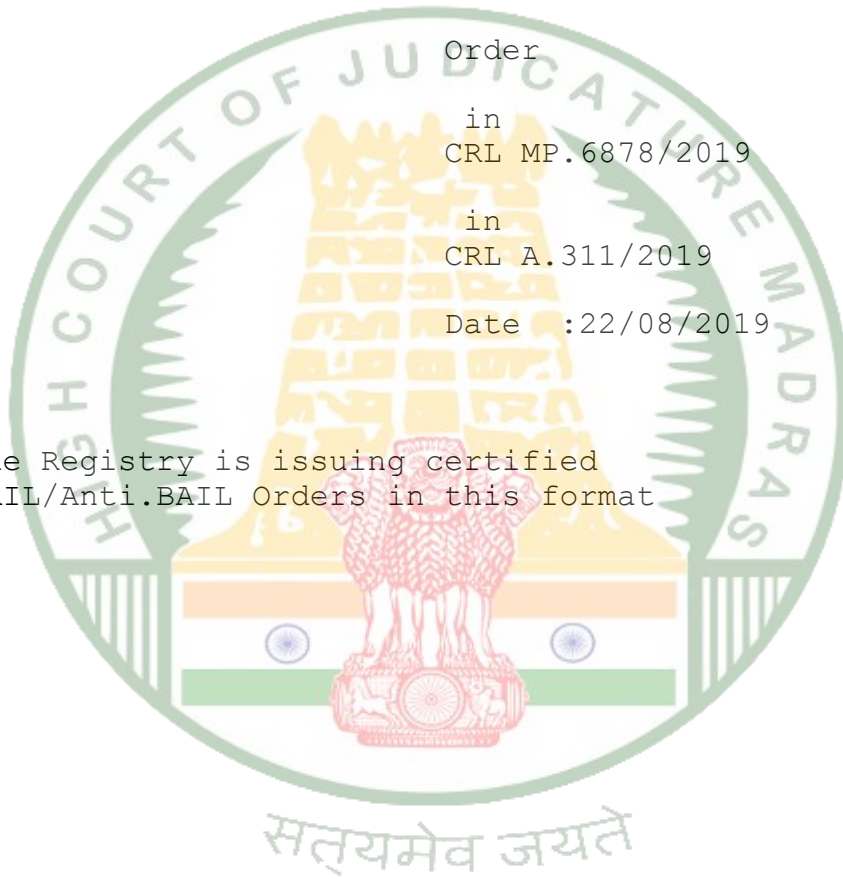
+1 C.C. to M/S.K.V.SRIDHARAN Advocate on payment of necessary
charges SR.NO. 17595

Order
in
CRL MP.6878/2019

in
CRL A.311/2019

Date :22/08/2019

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RD 26/08/2019



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