

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL MISCELLANEOUS PETITION No.6350 of 2019

in CRL A.No.252 of 2019

SARAVANAN

[PETITIONER / APPELLANT]

Vs

THE INSPECTOR OF POLICE
KAVERIPATTINAM POLICE STATION,
KRISHNAGIRI DISTRICT
CRIME NO.392 OF 2012

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.No.252 of 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence passed by the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri in S.C No.36 of 2017 dated 22.04.2019 against the petitioner, enlarge the petitioner on bail pending disposal of the CRL A.No.252 of 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.No.252 of 2019 on the file of the High Court and upon hearing the arguments of M/S.RAJAMOHAN V., Advocate for the petitioner and of MRS.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

This Appeal is being preferred by the accused who has been convicted for the offence u/s.324 IPC and sentenced to undergo 6 months Rigorous Imprisonment along with a fine of Rs.1000/- in default to undergo one month rigorous imprisonment 307 IPC and sentenced undergo 7 years rigorous imprisonment along with a fine of Rs.1,000/- in default to undergo 6 months Rigorous imprisonment and also under Section 25 (1B) (a) of Indian Arms Act, 1959 and sentenced undergo 3 years R.I along with a fine of Rs.1,000/- in default to undergo 3 months S.I. Pending appeal, the petitioner has filed the above miscellaneous petition seeking suspension of substantive sentence of imprisonment.

2. The learned counsel for the petitioner submitted that the Court below has not taken into consideration the crucial fact that PW1 and PW2 could not have seen the real assailant, since the incident is said to have taken place at about 8.30 p.m and a reading of the evidence of PW1 and PW2 gives raise to a lot of contradictions. The learned counsel further submitted that the petitioner is said to have made the extra judicial confession to one Selvam, who is the Assistant of PW6 and this witness has not been examined by the prosecution. The learned counsel further submitted that the Court below has failed to take into consideration the prior enmity between one Jalapathy and Pw3 and this was clearly brought out in the evidence of PW3. The learned counsel submitted that the petitioner has a fair chance of success in the appeal and even as per the case of the prosecution, PW1 sustained injuries only in her leg through the glass pieces from the window, which is said to have splattered under the impact of the bullet. The learned counsel for the petitioner submitted that the petitioner has already deposited the fine amount of Rs.1,000/- before the Court below.

3. The learned Additional Public Prosecutor submitted that the Court below has appreciated the entire evidence and has given elaborate reasons for convicting and sentencing the petitioner.

4. This Court carefully considered the submissions made on either side.

5. There are arguable points which requires a consideration in the appeal and the appeal cannot be taken up for hearing in the near future. Therefore, this Court is inclined to suspend the sentence imposed by the Court below.

6. The sentence imposed by the Court below vide Judgment made in S.C.No.36 of 2017 dated 22.04.2019 on the file of learned Sessions Judge, Fast Track Mahila Court, Krishnagiri is hereby 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 Judicial Magistrate No.1, Krishnagiri and to appear before the respondent police every week on Monday at 10.30 a.m. until further orders.

-sd/-

08/05/2019

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.I
KRISHNAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE SESSIONS JUDGE
FAST TRACK MAHILA COURT,
KRISHNAGIRI

4 THE SUPERINTENDENT,
CENTRAL PRISON,
VELLORE

5 THE INSPECTOR OF POLICE
KAVERIPATTINAM POLICE STATION,
KRISHNAGIRI DISTRICT

+1 C.C. to M/S.RAJAMOHAN V. Advocate on payment of necessary
charges SR.NO.9347

Order

in
CRL MP.6350/2019

in
CRL A.252/2019

Date :08/05/2019

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

cm 09/05/2019

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