

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL MISCELLANEOUS PETITION No.6541 of 2019

IN CRL.A.NO.268 OF 2019

SUBBURAJ

[APPELLANT / ACCUSED]

Vs

STATE REPRESENTED BY [RESPONDENT]
THE INSPECTOR OF POLICE,
VEERAPANDI POLICE STATION,
TIRUPPUR DISTRICT.
CR.NO.51 OF 2018.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.268 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence and enlarge the petitioner on bail convicted in S.C.No.119/2018 on 22.04.2019 by the Principal District and Sessions Judge, Tiruppur pending disposal of the above CRL.A.NO.268 OF 2019 [IN CRL.MP.NO.6541 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.268 OF 2019 on the file of the High Court and upon hearing the arguments of M/S.RAMKUMAR C., Advocate for the petitioner and of M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The Criminal Appeal has been filed as against the Judgment passed by the learned Principal District and Sessions Judge, Thiruppur made in S.C No.119 of 2018 dated 22.04.2019, convicting the petitioner for an offence under Section 341 of IPC and to undergo one month simple imprisonment and to pay a fine of Rs.500/- and in default to undergo 1 weeks simple imprisonment and for the offence under Section 3(1) of TNPDL Act and sentencing him to undergo one year simple imprisonment and to pay a fine of Rs.2,000/- in default to undergo three months simple imprisonment and the substantive sentences were ordered to run concurrently. 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 there are material contradictions in the evidence adduced by the witnesses. The learned counsel further submitted that PW1, who is the bus driver had driven the vehicle in a rash and negligent manner and thereby, caused injury to the petitioner and when the same was questioned, PW1 had lodged a false complaint. The learned counsel appearing for the petitioner submitted that the petitioner has a fair chance of success in the appeal and there are arguable points involved in the Appeal.

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. Considering the facts and circumstances of the case and in view of the fact that there are arguable points which require a consideration in the appeal and the appeal cannot be taken up for hearing in the near future, 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.119 of 2018 dated 22.04.2019 on the file of learned Principal District and Sessions Judge, Thiruppur, 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 learned Principal District and Sessions Judge, Thiruppur, and to appear before the learned Principal District and Sessions Judge, Thiruppur, on the first working day of every week at 10.30 a.m. until further orders and the petitioner is also directed to deposit the fine amount imposed by the Trial Court.

-sd/-
09/05/2019

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 PRINCIPAL DISTRICT AND SESSIONS JUDGE,
TIRUPPUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VEERAPANDI POLICE STATION,
TIRUPPUR DISTRICT.

+1C.C. to M/S.RAMKUMAR C. Advocate on payment of necessary
charges SR NO.9720

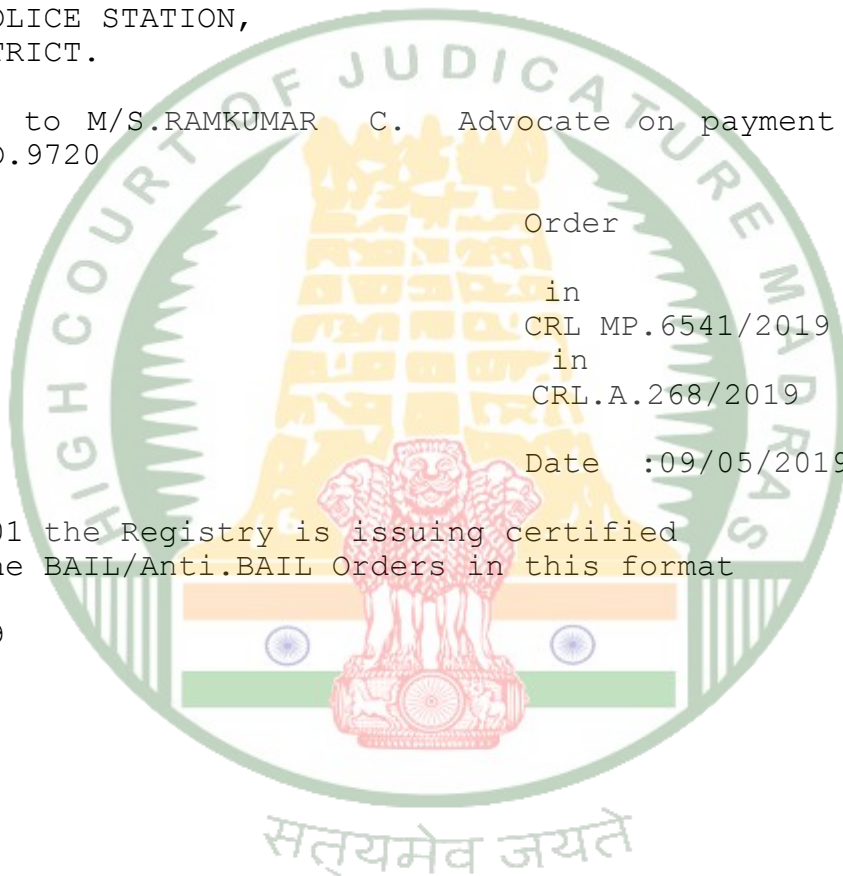
Order

in
CRL MP.6541/2019
in
CRL.A.268/2019

Date :09/05/2019

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

MK:14/05/2019



WEB COPY