

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.6510 of 2019

in CRL A.No.267 of 2019

KARUPPASAMY

[APPELLANT /ACCUSED]

vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
AVINASIPALAYAM POLICE STATION,
AVINASIPALAYAM, TIRUPUR.
CRIME NO.70 OF 2017.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.No.267 of 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence made in Judgement dated 31.01.2019 based in Spl.S.C.No.9 of 2017 by the learned Principle District and Sessions Judge and enlarge on bail him.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.No.267 of 2019 on the file of the High Court and upon hearing the arguments of M/S.C.RAMKUMAR, Advocate for the petitioner and of Public Prosecutor on behalf of the Respondent for R1, 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 Special SC No.9 of 2019 dated 31.03.2019, convicting the petitioner for an offence under Section 324 of IPC and sentencing him to undergo one year simple imprisonment and to pay a fine of Rs.1,000/- in default to undergo 3 months simple imprisonment. 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 Trial Court had initially framed charges against the petitioner for an offence under Section 294(b), 324 and 506(ii) IPC and under Section 3(1)(r), 3(1)(s) and 3(2)(va) of SC & ST (Prevention of Atrocities)

Amendment Act, 2015 and the petitioner was acquitted from all the other offences except Section 324 of IPC. The learned counsel further submitted that PW1 was under the influence of alcohol and therefore, he could not have seen the occurrence. The learned counsel for the petitioner submitted that the petitioner also sustained injuries in his fore head and a complaint was given and this was deliberately suppressed by the prosecution. The learned counsel further submitted that PW2 to PW6 did not support the case of the prosecution. 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 Special SC No.9 of 2019 dated 31.03.2019 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

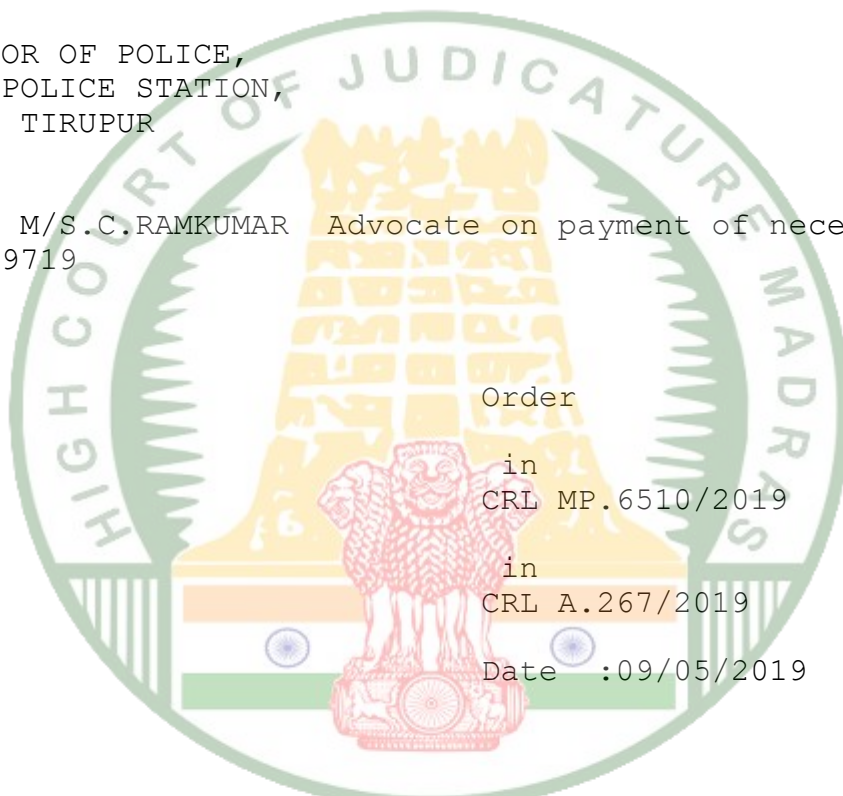
1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
TIRUPPUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
COIMBATORE

4 THE INSPECTOR OF POLICE,
AVINASIPALAYAM POLICE STATION,
AVINASIPALAYAM, TIRUPUR

+1 C.C. to M/S.C.RAMKUMAR Advocate on payment of necessary
charges SR.NO.9719



Order

in
CRL MP.6510/2019

in
CRL A.267/2019

Date :09/05/2019

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