

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Third day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL MISCELLANEOUS PETITION No.6651 of 2019

IN CRL.A.NO.275 OF 2019

BALU @ BALAMURUGAN

[PETITIONER / APPELLANT]

Vs

1 THE DEPUTY SUPERINTENDENT OF POLICE, [RESPONDENT]
ARIYALUR,
ARIYALUR DISTRICT.

2 THE INSPECTOR OF POLICE
KAIRALABAD POLICE STATION,
ARIYALUR DISTRICT.
CR.NO.99 OF 2017.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.275 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner made in Special S.C.No.7 of 2018 dated 30.04.2019 by the Principal District and Sessions Judge, Ariyalur and to release the petitioner on bail.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.275 OF 2019 on the file of the High Court and upon hearing the arguments of M/S.C.PRABAKARAN, Advocate for the petitioner and of MR.C.RAGHAVAN, Govt. Advocate (Crl. Side) on behalf of the Respondents the court made the following order:-

This appeal has been filed by the accused against the conviction and sentence awarded by the learned Principal District and Sessions Judge, Ariyalur in Spl. S.C.No.7 of 2018 dated 30.04.2019, wherein, the appellant was convicted under Sections 294 (b) of I.P.C. and imposed the punishment of fine of Rs.1,000/- in default to undergo three weeks simple imprisonment and in respect of offence under Section 3(1) (r&s) of Scheduled Castes and Scheduled Tribes Act and sentenced to undergo one year rigorous imprisonment with a fine of Rs.1,000/- in default two months Simple Imprisonment and in respect of Section 3(2) (va) of Scheduled Castes and Scheduled Tribes Act and sentenced to undergo one year Rigorous Imprisonment with a fine of Rs.1,000/- in default two months Simple Imprisonment and acquitted the appellant in respect of the charge under Section 506(ii) of I.P.C. and also ordered the sentences to run concurrently.

2. The learned counsel for the appellant has filed AOS stating that as per the order passed by this Court dated 15.05.2019 he has served private notice to PW1 (Annadurai). But, PW1 has not appeared either in person or through counsel and hence considering the arguments of the learned counsel for the appellant and the learned Government Advocate, this Court is inclined to pass the order.

3. The learned counsel for the appellant has submitted that the appellant is having arguable points in the aforesaid appeal. He further submitted that the prosecution failed to prove the case beyond reasonable doubts. He further submitted that through out the trial, the appellant was on bail and the trial court also, after awarding sentence, suspended the sentence till 30.05.2019. Further, he submitted that he paid the fine amount.

4. Considering the fact that during trial, the appellant was on bail and also the fact that the trial Court also suspended the sentence and also the fact that already the appellant has paid the fine amount, this Court is inclined to admit the appeal and also suspend the sentence awarded by the trial Court and grant bail to the appellant.

5. Accordingly, the sentence is suspended and the appellant is directed to surrender before the trial Court within fifteen days from the date of receipt of a copy of this order and on such surrender he shall be released on bail on his executing 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 Judicial Magistrate-I, Ariyalur and on further condition that he shall appear before the said Court on the first working day of every month until disposal of CrI.A.No.275 of 2019.

-sd/-
23/05/2019

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, ARIYALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR [FOR INFORMATION]

3 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, ARIYALUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DEPUTY SUPERINTENDENT OF POLICE,
ARIYALUR, ARIYALUR DISTRICT.

6 THE INSPECTOR OF POLICE
KAIRALABAD POLICE STATION,
ARIYALUR DISTRICT.

+1C.C. to M/S.C.PRABAKARAN Advocate on payment of necessary
charges SR NO.10321

Order

in

CRL MP.6651/2019

in

CRL A.275/2019

Date :23/05/2019

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MK:04/06/2019

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