

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Tuesday, the Thirteenth day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.11157 of 2019

IN CRL A.591/2018

SEKAR

[ PETITIONER / APPELLANT / ACCUSED ]

Vs

STATE REP. BY ITS

[ RESPONDENT ]

THE INSPECTOR OF POLICE,  
POONAMALLEE POLICE STATION,  
CHENNAI-600 056  
THIRUVALLUR DISTRICT

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.591/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence of conviction and imprisonment dated 11.04.2019 imposed by the III Additional Sessions Judge, Poonamallee, Chennai in S.C.No.19/2016 and enlarge these petitioners on bail pending disposal of the above CRL A.591/2018 [IN CRL.MP.NO.11157 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.591/2018 on the file of the High Court and upon hearing the arguments of M/S.J.WILLIAM SHAKESPHERE, Advocate for the petitioner and of MR. G.RAMAR, Govt. Advocate ( Crl. Side) on behalf of the Respondent the court made the following order:-

The petitioner was charged for the offence under Section 302 IPC, but was convicted of the offence under Section 304(I) IPC by the III Additional Sessions Court, Poonamallee in S.C.No.19 of 2017 on 10.08.2018 and has been sentenced to undergo seven years rigorous imprisonment and fine of Rs.5,000/-, in default to undergo six months rigorous imprisonment. Challenging the conviction and sentence, the petitioner has filed the present appeal and seeking suspension of sentence and bail.

2.Heard Mr.J.William Shakesphere, learned counsel for the petitioner and Mr.G.Ramar, learned Government Advocate (Crl. Side) appearing for the respondent.

3.It is seen that the petitioner took up contracts for laying ceramic tiles and the deceased was employed under him. On the fateful day, the deceased was in an inebriated condition and therefore, the petitioner did not give him employment. Due to that, a wordy quarrel ensued in which, the petitioner is said to have hit the deceased with a rod which turned out to be fatal. The petitioner is in incarceration since 10.08.2018. The petitioner has raised substantial grounds in the revision, which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

4.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on his 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 learned III Additional Sessions Judge, Poonamallee and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and

(ii) the petitioner shall appear before the trial Court at 10.30 a.m. on the first working day of every month until the 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/-

13/08/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

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TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE III ADDITIONAL SESSIONS JUDGE,  
POONAMALLEE, CHENNAI.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
POONAMALLEE POLICE STATION,  
CHENNAI-600 056  
THIRUVALLUR DISTRICT

+1C.C. to M/S.J.WILLIAM SHAKESPHERE Advocate on payment of  
necessary charges SR NO.17015

Order

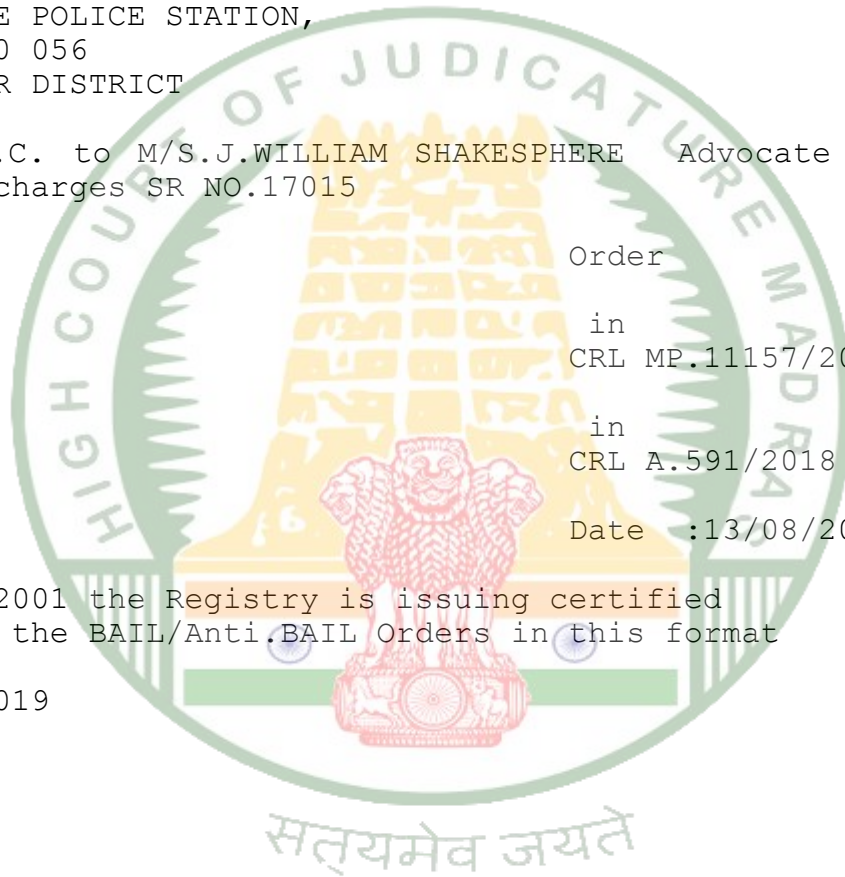
in  
CRL MP.11157/2019

in  
CRL A.591/2018

Date :13/08/2019

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

MK:16/08/2019



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