

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirty First day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

and

The Hon`ble Mrs Justice S. RAMATHILAGAM

CRIMINAL MISCELLANEOUS PETITION No.7497 of 2018

in CRL.A.No.319 of 2018

1 ANAND @ PREM ANAND

[PETITIONERS/APPELLANTS]

2 CHINNAMANI @ PREM NATH

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
KORADACHERY POLICE STATION,
THIRUVARUR DISTRICT.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.No.319 of 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by judgment dated 09.04.2018 in S.C.No.104 of 2010 on the file of Principal District and Sessions Court, Thiruvarur and release the petitioners on bail pending disposal of the above CRL.A.No.319 of 2018 [CRL.M.P.No.7497 of 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.No.319 of 2018 on the file of the High Court and upon hearing the arguments of MR.DORAISAMI Senior Counsel for M/S.MUTHUMANI DORAISAMI, Advocate for the petitioners, and of MR.K.PRABAKAR Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by **C.T.SELVAM, J**)

Petitioners/A1 and A2 were convicted for offence u/s.302 r/w 34 IPC and each of them sentenced to life Imprisonment and fine of Rs.2,000/- i/d 3 months R.I by learned Principal District and Sessions Judge, Thiruvarur, under judgment dated 09.04.2018 in S.C.No.104 of 2010. Hence, petitioners seek suspension of sentence.

2. We have heard learned counsel for petitioners as also learned Additional Public Prosecutor and perused the counter affidavit filed by respondent.

3. Learned counsel for petitioners would submit that petitioners are confined at Central Prison, Tiruchirapalli and there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses. Learned counsel submits that the fine amount has been paid by the petitioners.

4. Heard learned Additional Public Prosecutor on the submissions made by learned counsel for petitioners.

5. Considering the facts and circumstances of the case and in view of the fact that petitioners are in custody, that there are several infirmities in the prosecution case and there are arguable points involved in the appeal, as contended by learned counsel for petitioners, and further the appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that petitioners herein are entitled to the relief of grant of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and petitioners are directed to be enlarged on bail on condition that petitioner shall execute a bond in a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of learned Principal District and Sessions Court, Thiruvarur and on further condition that the petitioners shall appear before the concerned Court on the first working day of every month at 10.30.a.m. pending appeal.

-sd/-
31/01/2019

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 COURT, THIRUVARUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
THIRUCHIRAPALLI

4 THE INSPECTOR OF POLICE,
KORADACHERRY POLICE STATION,
THIRUVARUR DISTRICT.

+1 C.C. to M/S.MUTHUMANI DORAISAMI Advocate on payment of
necessary charges SR.NO.2166

Order

in
CRL MP.No.7497 of 2018
in
CRL.A.No.319 of 2018

Date :31/01/2019

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

cm 05/02/2019