

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Ninth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.9172 of 2019

IN CRL.A.No.425 OF 2019

ARIVUKUMAR @ ARIVAZHGAN

[PETITIONER]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
V3, J.J.NAGAR POLICE STATION,
CHENNAI.

CR.NO.352 OF 2016.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.425 of 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in SC.No.260 of 2016 order dated 26.06.2019 on the file of the III Additional and sessions Judge court, Tiruvallur at Poonamallee and enlarge the appellant on bail pending disposal of the above Crl.A.No.425 of 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.425 of 2019 on the file of the High Court and upon hearing the arguments of M/S.A.E.RAVICHANDRAN, Advocate for the petitioner and of MR. KRITIKA KAMAL.P, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

The petitioner was tried in S.C.No.260 of 2016 by the III Additional Sessions Judge, Tiruvallur for the offences under Sections 341, 294(b) and 302 IPC and by judgment and order dated 26.06.2019, acquitted of the said offences but, was convicted of the offence under Section 304 (II) IPC and sentenced to undergo seven years rigorous imprisonment and fine of Rs.5,000/- in default, to undergo six months rigorous imprisonment, challenging which, the petitioner has filed present petition seeking suspension of sentence and bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent State.

3.On a reading of the judgment and order passed by the trial Court, it is seen that the petitioner and the deceased were neighbours and there was a scuffle, in which, the petitioner is said to have assaulted the deceased by hand. No weapon was used, nor is there any evidence to show the motive behind the attack.

4.Considering the facts and circumstances of the case and also considering the submission of the learned counsel for the petitioner that there are several infirmities in the prosecution case and that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

5.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/- 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, Tiruvallur at Poonamallee and on further condition that:

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

(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/-
29/07/2019

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

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सत्यमेव जयते

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

WEB COPY

TO

1 III ADDITIONAL SESSIONS JUDGE,
TIRUVALLUR AT POONAMALLEE

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
V3, J.J.NAGAR POLICE STATION,
CHENNAI.

C.C. to M/S.A.E.RAVICHANDRAN Advocate on payment of necessary
charges Sr.15684

Order

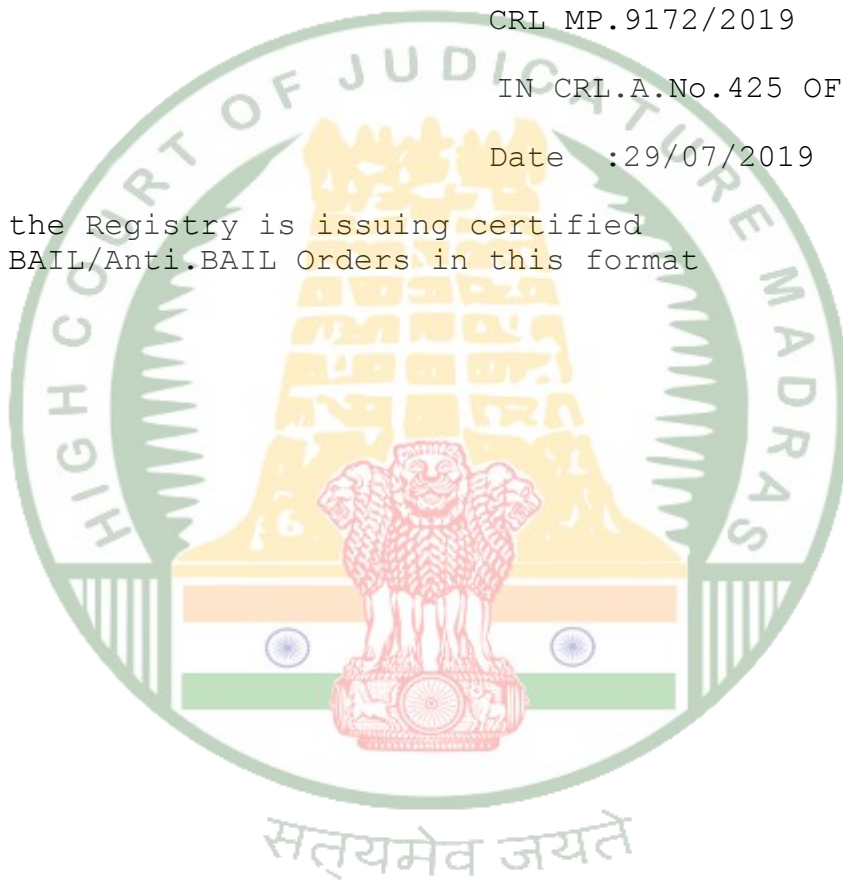
in
CRL MP.9172/2019

IN CRL.A.No.425 OF 2019

Date :29/07/2019

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

RVR 01/08/2019



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