

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifth day of September Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M.M.SUNDRESH

and

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION No.10773 of 2019

IN CRL.A.NO.491 OF 2019

E.RAVI @ V.S.RAVI @ VYASAI RAVI [PETITIONER / APPELLANT / ACCUSED]

Vs

STATE REP. BY [RESPONDENT]
THE INSPECTOR OF POLICE (L & O),
P-2, OTTERI POLICE STATION,
CHENNAI-600 012.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.491 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner by order dated 15.03.2012 in S.C.No.382 of 2006 on the file of the Learned Sessions Judge, Mahalir Needhimandram, Chennai and release the petitioner on bail till the disposal of the above CRL.A.NO.491 OF 2019 [IN CRL.MP.NO.10773 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.491 OF 2019 on the file of the High Court and upon hearing the arguments of M/S.S.MAZHAIMENI PANDIAN, Advocate for the petitioner 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 M.M.SUNDRESH,J)

The petitioner is the sole accused in S.C.No. 382 of 2006 on the file of learned Sessions Judge, Mahalir Needhimandram, Chennai. The trial Court by judgment dated 15.03.2012 convicted the petitioner under Sections 498 (A) and 302 IPC and for the offence punishable under Section 498(A) IPC sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo one month simple imprisonment and for the offence punishable under Section 302 IPC sentenced to undergo life imprisonment and to pay of Rs.10,000/-, in default to undergo one month simple imprisonment and ordered to run the sentences concurrently. Seeking suspension of sentence imposed, the present petition has been filed.

2. The learned counsel appearing for the petitioner submitted that the deceased is none other than the wife. The case of the prosecution is one of strangulation. However, it is the petitioner who took her to the hospital and admitted her. Considering the above, coupled with the period of incarceration from the date of the judgment, the suspension will have to be granted.

3. The learned Additional Public Prosecutor appearing for the State would submit that inasmuch as it is a case of strangulation, the trial Court considered the other evidence including the medical evidence and came to the conclusion. Thus, the petition requires to be dismissed.

4. Admittedly, the petitioner has been under incarceration for nearly 71/2 years. He is the one who admitted the deceased in the hospital as per the Accident Register copy marked. Thus, we do find arguable points involved in the appeal.

5. Considering the above coupled with the period of incarceration of the petitioner, we are inclined to suspend the sentence. Accordingly, the substantive sentence of imprisonment alone is suspended on condition that the petitioner executes 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 X Metropolitan Magistrate, Egmore, Chennai and on further condition that the petitioner shall appear before the concerned Court on the first working day of every month at 10.00 a.m., pending appeal.

-sd/-

05/09/2019

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 METROPOLITAN MAGISTRATE,
NO.X, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SESSIONS JUDGE,
MAHALIR NEEDHIMANDRAM, CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE (L & O),
P-2, OTTERI POLICE STATION,
CHENNAI-600 012.

+1C.C. to M/S.S.MAZHAIMENI PANDIAN Advocate on payment of
necessary charges SR NO.18606

Order

in
CRL MP.10773/2019

in
CRL A.491/2019

Date :05/09/2019

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

MK:05/09/2019

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