

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Sixth day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.9586 of 2019

IN CRL A.442/2019

N.MANOCHARAN

[PETITIONER/APELLANT]

Vs

STATE REP. BY

[RESPONDENT]

THE DEPUTY SUPERINTENDENT OF POLICE,
AVINASHI SUB DIVISION,
TIRUPPUR DISTRICT.
CRIME NO.672/2012.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence of imprisonment imposed in the judgment dated 28.07.2017 passed in SC.No.127 of 2015 Magalir Neethimandram (Fast Track Mahila Court), Tiruppur and enlarge the petitioner on bail pending disposal of the above Crl.A.No.442 of 2019.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.THIYAGARAJAN A., Advocate for the petitioner, and of M/S.KRITIKA KAMAL P. Govt. Advocate (Crl. Side) on behalf of the Respondents, the court made the following order:-

This petitioner is filed seeking to suspend the sentence imposed on the petitioner, by judgment and order dated 28.06.2019 passed in S.C.No.127 of 2015 on the file of the Magalir Neethimandram (Fast Track Mahila Court), Tiruppur.

2. The petitioner, who was an accused in S.C.No.127 of 2015 before the Magalir Neethimandram (Fast Track Mahila Court), Tiruppur, was convicted of the offence under Section 306 IPC and sentenced to ten years rigorous imprisonment and fine of Rs.10,000/-, in default to undergo one year rigorous imprisonment.

3. Challenging the same, the petitioner has filed the above appeal and suspension of sentence and bail.

4. It is the case of the prosecution that, on the fateful day, the petitioner was under the influence of alcohol and said to have quarrelled with the deceased; in the fret of anger, the deceased committed self-immolation and coming to know of it, the petitioner doused the fire and carried her to the hospital.

5. Heard Mr.A.Thiyagarajan, learned counsel for the petitioner and Mrs.P.Kritika Kamal, learned Government Advocate (Crl.Side) for the respondent/State.

6. On reading the dying declaration of the deceased, it is seen that the petitioner has got married to the deceased six years ago and he was addicted to liquor.

7. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. Moreover the petitioner has been in incarceration. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

8. Accordingly, the relief of suspension of sentence and bail is granted on the following conditions:

(i) The petitioner shall execute 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 Magalir Neethimandram (Fast Track Mahila Court), Tiruppur.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magalir Neethimandram (Fast Track Mahila Court), Tiruppur, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. 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/-

06/08/2019

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

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Sub-Assistant Registrar (Statistics/C.S.)

<https://hcservices.ecourts.gov.in/hcservices/>

High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE,
MAGALIR NEETHIMANDRAM, (FAST TRACK MAHILA
COURT, TIRUPPUR

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
AVINASHI SUB DIVISION,
TIRUPPUR DISTRICT.

+1 C.C. to M/S.THIYAGARAJAN A. Advocate on payment of necessary
charges SR.NO.16340

Order

in
CRL MP.9586/2019

in
CRL A.442/2019

Date :06/08/2019

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TA-08/08/2019

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