

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Second day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.10662 of 2019

IN CRL RC.756/2019

KUMAR

[PETITIONER]

Vs

STATE REP. BY
INSPECTOR OF POLICE,
SATHYAMANGALAM POLICE STATION,
ERODE DISTRICT,
CR.NO.641/2007.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.756/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the Learned III Additional District and Sessions Judge, Gobichettipalayam in Crl.A.No.344/2018 dated 19.07.2019 confirming the order passed by the Learned Judicial Magistrate, Sathyamangalam in C.C.No.24/2008 dated 24.08.2018 and enlarge the petitioner on bail pending disposal of the above said criminal Revision.CRL.MP.NO.10662/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.756/2019 on the file of the High Court and upon hearing the arguments of M/S. PARTHASARATHY S Advocate for the petitioner and of MR.KRITIKAKAMAL.P Government Advocate[crl.side] on behalf of the Respondent the court made the following order:-

The petitioner was convicted in C.C.No.24 of 2008 on 24.08.2018 by the Judicial Magistrate, Sathyamangalam of the offences under Sections 337 (10 counts), 338 (3 counts) and 304-A and was sentenced to various terms of imprisonment, the maximum being two years rigorous imprisonment. The appeal in C.A.No.344 of 2018 filed by the petitioner has been dismissed by the III Additional District and Sessions Court, Gobichettipalayam on 19.07.2019. Challenging the said conviction and sentence, the petitioner has filed the present revision petition. The petitioner is in custody from 19.07.2019.

2.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 revision petition and further, the revision petition 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.

3. 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 Judicial Magistrate, Sathyamangalam and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate 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 on the first working day of every month at 10.30 a.m. until the disposal of the revision petition 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/-

02/08/2019

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 III ADDITIONAL DISTRICT AND SESSIONS COURT,
GOBICHETTIPALAYAM

2 THE JUDICIAL MAGISTRATE,
SATHYAMANGALAM

3 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

5 THE INSPECTOR OF POLICE,
SATHYAMANGALAM POLICE STATION,
ERODE DISTRICT,

+1 C.C. to M/S. PARTHASARATHY S. Advocate on payment of
necessary charges SR.NO. 16094

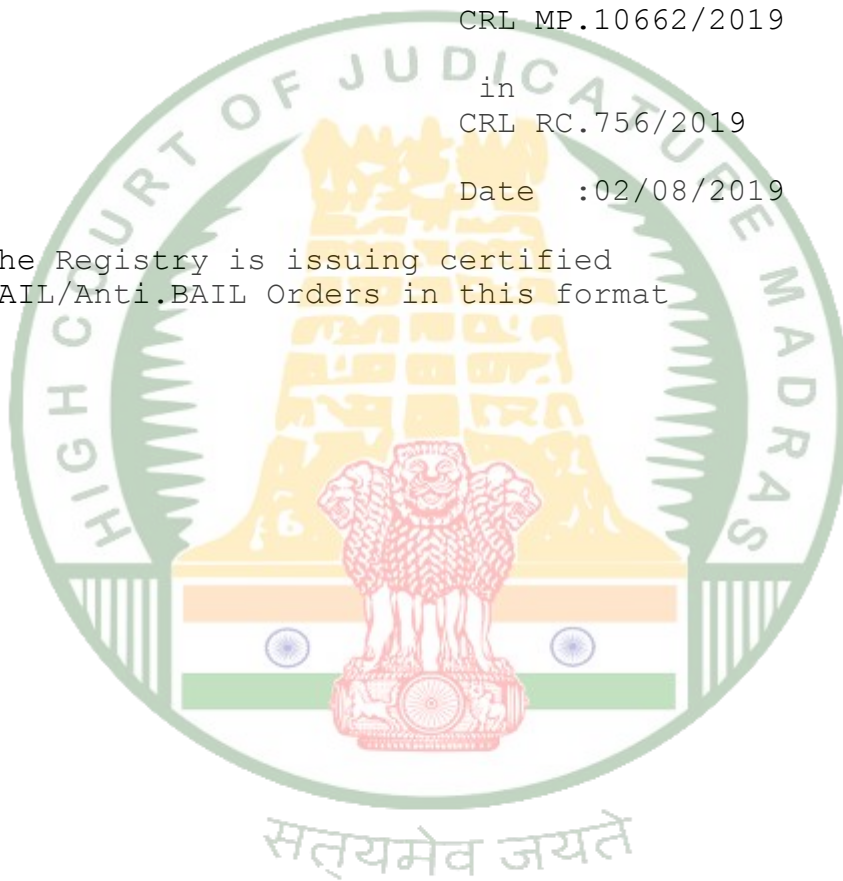
Order

in
CRL MP.10662/2019

in
CRL RC.756/2019

Date :02/08/2019

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copies of the BAIL/Anti.BAIL Orders in this format
RD 08/08/2019



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