

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of September Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.10972 of 2019

IN CRL.RC.NO.772 OF 2019

GUNASEKARAN

[PETITIONER / PETITIONER /
APPELLANT / ACCUSED]

Vs

STATE BY
INSPECTOR OF POLICE,
TRAFFIC INVESTIGATION
DEPARTMENT (EAST) POLICE STATION,
COIMBATORE.
(CR.NO.336/2013)

[RESPONDENT / RESPONDENT /
RESPONDENT / COMPLAINANT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.RC.No.772/2019 on the file of the High Court, the High Court will be pleased to execution of the sentence passed against the petitioner in C.C.No.108/2015 in the judgment dated 20.09.2017 passed by the Hon'ble Chief Judicial Magistrate, Coimbatore and confirmed in C.A.No.323/2017 by the Hon'ble III Additional District and Sessions Judge, Coimbatore be suspended and the petitioner to be released on bail, pending disposal of the above Crl.RC.No.772/2019. [IN CRL.MP.10972/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.772/2019 on the file of the High Court and upon hearing the arguments of M/S.ARVIND KUMAR M., Advocate for the petitioner and of MR.M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

1.This Criminal Miscellaneous Petition has been filed by the Petitioner/Accused, seeking suspension of sentence of imprisonment, imposed by the judgement dated,20.09.2017, made in C.C.No.108/2015, by the Chief Judicial Magistrate, Coimbatore, as confirmed in C.A.No.323/2017 by the III Additional District and Sessions Judge, Coimbatore, pending disposal of the Criminal Revision Case.

2.This court heard the learned counsel on either side and also perused the materials placed on record.

3. In and by the impugned judgement, the Petitioner/ accused was convicted and sentenced for the offence under Sections 304(A) of IPC (2 counts) and sentenced him to undergo two years Simple Imprisonment for each count, in default, to undergo three months for each count Simple Imprisonment and sentences run concurrently.

4. According to the learned counsel for the Petitioner/ accused, there are arguable points available in the Criminal Revision Case, which is not likely to be taken for final hearing in the near future and the Petitioner/ accused has got a fair chance of succeeding in the Criminal Revision Case and hence, the substantive sentence imposed against the Petitioner/Accused may be suspended and he would submit that the petitioner has surrendered before the trial Court on 17.09.2019.

5. The learned Additional Public Prosecutor has raised objections for suspending the sentence.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision Case, the substantive sentence of imprisonment alone is suspended and the Petitioner/ accused is ordered to be enlarged on bail, on the following conditions:-

i. The Petitioner/ accused shall execute 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 Chief Judicial Magistrate, Coimbatore.

ii. The Petitioner/accused shall report before the Chief Judicial Magistrate, Coimbatore on the first working day of every English Calendar month at 10.30 a.m., until further orders.

-sd/-

18/09/2019

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 III ADDITIONAL DISTRICT AND
SESSIONS JUDGE, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TRAFFIC INVESTIGATION
DEPARTMENT (EAST) POLICE STATION,
COIMBATORE.

+2 C.C. to M/S.ARVIND KUMAR M. Advocate on payment of necessary
charges SR.No.19456

Order

in
CRL MP.10972/2019

in
CRL.RC.772/2019

Date :18/09/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
cs 18/09/2019

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