

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eleventh day of December Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.13229 of 2019

IN CRL.A.No.611 OF 2019

HARIDOSS @ HARIRAJ

[APPELLANT/ACCUSED-1]

Vs

THE STATE, REP. BY [RESPONDENT]
INSPECTOR OF POLICE,
NALLIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT,
(CRIME NO.69/2014 OF ERUMAPATTY PS).

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CrL.A.No.611 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner by judgment dated 3.6.2019 in S.C.No.87 of 2015 on the file of The Principal Sessions Judge, Namakkal and enlarge the petitioner on bail pending disposal of the CrL.A.No.611/19.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CrL.A.No.611/2019 on the file of the High Court and upon hearing the arguments of M/S. B.VASUDEVAN, Advocate for the petitioner and of MR. K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioner faced trial in S.C.No.87 of 2015 on the file of learned Principal Sessions Judge, Namakkal. Under judgment dated 03.06.2019, the trial Court found the petitioner guilty under Section 304(ii) of IPC and sentenced him to undergo Rigorous imprisonment for a period of ten years and to pay a fine of Rs.10,000/-, failing which, he shall undergo simple imprisonment for a further period of two years and six months. Aggrieved over the same, the petitioner has filed this Criminal Appeal along with the petition seeking suspension of sentence.

2.It is submitted by the learned counsel for the petitioner/1st accused that the amount of fine had already been paid, as directed by the trial Court in its judgment. The learned counsel further submitted that there are several infirmities and inconsistencies in the prosecution case and there are also contradictions in material particulars in the evidence of the prosecution. The learned counsel also submitted that there are arguable points available in this

Criminal Appeal, which is not likely to be taken up for final hearing in the near future and hence, the substantive sentence imposed against the petitioner may be suspended.

3. Heard learned Additional Public Prosecutor on the submissions made by the learned counsel for petitioner.

4. Considering the facts and circumstances of the case and taking into account the submissions made by the learned counsel on either side, this Court is of the view that the petitioner herein can be granted the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner herein is directed to be enlarged on bail on the following conditions:-

- a) The Petitioner/1st Accused is directed to 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 learned Judicial Magistrate No.I, Namakkal;
- b) The Petitioner/1st Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

The Petitioner/1st Accused shall appear before the Trial Court as and when required, until the disposal of the Appeal and if he is not able to appear before the Trial Court on any day, due to unavoidable circumstances, he shall make arrangements to file an application under Section 317 of Cr.PC. and shall appear before the Trial Court on any other day in lieu of his absence, as directed by the Trial Court. Such an application shall not be entertained often.

-sd/-

11/12/2019

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

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TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, NAMAKKAL

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

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
NALLIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT,

5 THE PRINCIPAL SESSIONS JUDGE,
NAMAKKAL

6 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

C.C. to M/S. B.VASUDEVAN Advocate on payment of necessary
charges Sr.25578

Order

in
CRL MP.13229/2019

IN CRL.A.No.611 OF 2019

Date :11/12/2019

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

RVR 16/12/2019

सत्यमेव जयते

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