



IN THE HIGH COURT OF JUDICATURE AT MADRAS  
( Criminal Jurisdiction )

Friday, the Twentieth day of December Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.13489 of 2019

IN CRL.RC.NO.950 OF 2019

H.CLENY ALEX FREADY

[ PETITIONER / PETITIONER /  
ACCUSED ]

Vs

STATE REP. BY  
THE INSPECTOR OF POLICE,  
KORADACHERY POLICE STATION,  
KORADACHERY,  
THIRUVARUR.  
(CRIME NO.105 OF 2007).

[ RESPONDENT / RESPONDENT /  
COMPLAINANT ]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.RC.No.950/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner in C.C.No.358 of 2008 on the file of the Learned Judicial Magistrate, Thiruvavarur, pending disposal of the Crl.RC.No.950/2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.No.950/2019 on the file of the High Court and upon hearing the arguments of M/S. R.C.PAUL KANAGARAJ, 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 C.C.No.358 of 2008 on the file of learned Judicial Magistrate, Thiruvavarur. Under judgment dated 23.04.2018, the trial Court found the petitioner guilty under Section 304(A) of the IPC and sentenced him to undergo Simple Imprisonment for a period of two years and to pay a fine of Rs.5,000/-, failing which, he shall undergo simple imprisonment for a further period of one month. Aggrieved over the same, the petitioner has filed a Criminal Appeal in C.A.No.20 of 2018 before the learned District Sessions Judge, Thiruvavarur, and the appellate court has also confirmed the judgment, conviction and sentence imposed by the trial court and dismissed the Appeal. Challenging the same, the Criminal Appeal has been preferred by the petitioner, along with the petition seeking suspension of sentence.



2. It is submitted by the learned counsel for the petitioner/accused that the petitioner is suffering from obesity and health problems. He further submitted that the petitioner is ready to abide by any of the conditions which may be imposed by this Court, in the event if suspension of sentence is granted to the petitioner. He 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 further 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 consideration the submissions of learned counsel for petitioner, 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 / 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, Thiruvavarur;
- b) The Petitioner/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.
- c) The Petitioner / Accused shall appear before the Trial Court at 10.30 a.m. on the first working day of every month, 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/-

20/12/2019

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

TRUE COPY



TO

1 THE DISTRICT SESSIONS JUDGE  
THIRUVARUR.

2 THE JUDICIAL MAGISTRATE,  
THIRUVARUR.

3 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVARUR [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,  
KORADACHERY POLICE STATION,  
KORADACHERY,  
THIRUVARUR.

+1 C.C. to M/S. R.C.PAUL KANAGARAJ Advocate on payment of  
necessary charges SR.No.26345

Order

in  
CRL MP.13489/2019

in  
CRL.RC.950/2019

Date :20/12/2019

From 7.2.2001 the Registry is issuing certified  
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