

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighteenth day of October Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.14935 of 2019

IN CRL.A.No.718 of 2019

SATHIYA

[PETITIONER]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PONNAI CIRCLE,
VELLORE DISTRICT.

[RESPONDENT]

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 dated 27.09.2019 passed in S.C.No.80 of 2019 by the Additional District Sessions Judge, (FTC) Vellore and enlarge her on bail pending disposal of the above CRL.A.No.718 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.P.RATHANAVEL, Advocate for the petitioner, and of M/S.M.MOHAMED RIYAZ, Additional Public Prosecutor, on behalf of the Respondents the court made the following order:-

- 1.This Criminal Miscellaneous Petition has been filed by the Appellant /Accused, seeking suspension of sentence of imprisonment, imposed by the judgment, dated,27.09.2019, made in S.C.No.80/2019, by the Additional District Sessions Judge, (FTC), Vellore District and enlarge her on bail, pending disposal of the Criminal Appeal.
- 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 Appellant/ accused was convicted for the offence under Sections 304(II) (2 counts) of IPC and sentenced to undergo rigorous imprisonment for three years for each counts and to pay a fine of Rs.1,000/- for each count, in default, to undergo six months Rigorous Imprisonment, were ordered to run concurrently.

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

4. The learned counsel for the petitioner would submit that the trial

Court has also suspended the sentence of imprisonment till 18.10.2019 and he has paid the fine amount of Rs2000/-. According to the learned counsel for the Appellant/ accused, there are arguable points available in the Criminal Appeal, which is not likely to be taken for final hearing in the near future and the Appellant/ accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the Appellant/Accused may be suspended.

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 Appeal, the substantive sentence of imprisonment alone is suspended and the Appellant/ accused is ordered to be enlarged on bail, on the following conditions:-

- i. The Appellant/ 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 Additional District and Sessions Judge (FTC) Vellore.

The Appellant/ accused shall report before the trial court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

-sd/-
18/10/2019

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 THE ADDITIONAL DISTRICT SESSIONS JUDGE,
(FTC), VELLORE DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
PONNAI CIRCLE,
VELLORE DISTRICT.

+1 C.C. to M/S.P.RATHANAVEL Advocate on payment of necessary charges SR.NO.21456

Order

in
CRL MP.14935/2019
in
CRL.A.No.718/2019

Date :18/10/2019

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MK-18/10/2019



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