

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of November Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.16077 of 2019

in CrI.A.No.755 of 2019

S.MANIKAVEL

[PETITIONER/APPELLANT]

Vs

STATE REP. BY

[RESPONDENT]

INSPECTOR OF POLICE,
POLLACHI TALUK POLICE STATION,
COIMBATORE,
CRIME NO.61 OF 2013.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CrI.A.No.755 of 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner in S.C.No.169 of 2013, dated 18.10.2019, by the Learned Principal District and Sessions Judge, Coimbatore, pending disposal of the above CrI.A.No.755 of 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CrI.A.No.755 of 2019 on the file of the High Court and upon hearing the arguments of M/S. G.KARTHIKEYAN, Advocate for the petitioner and of THE PUBLIC PROSECUTOR(R-1) on behalf of the Respondent the court made the following order:-

- 1.This Criminal Miscellaneous Petition has been filed by the Petitioner/A1, seeking suspension of sentence of imprisonment, imposed by the judgment, dated, 18.10.2019, made in S.C.No.169/2013, by the District and Sessions Judge, Coimbatore and enlarge him on bail pending disposal of the Criminal Appeal.
- 2.This court heard the learned counsel for the petitioner and also perused the materials placed on record.
- 3.In and by the impugned judgement, the Petitioner/accused was convicted and sentenced for the offences under Section 324 of IPC to pay a fine of Rs.2,000/-, in default, to undergo two months simple imprisonment and under Section 3(1) of the Tamil Nadu Property Prevention of Damage and Loss Act, 1992, to undergo six months simple imprisonment and to pay a fine of Rs.1,000/- in default to undergo one month simple imprisonment.

4.The learned counsel for the Petitioner/A1 would submit that 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 Petitioner/ accused has got a fair chance of succeeding in the Criminal Appeal and that the Trial Court has suspend the sentence imposed on the petitioner till 17.1.2019 and fine amount has been paid and hence, the substantive sentence imposed against the Petitioner/A1 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 Petitioner/ accused is ordered to be enlarged on bail, on the following conditions:

i. The Petitioner/ A1 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 Judicial Magistrate Court No.II, Pollachi.

ii.The Petitioner/A1 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/-

07/11/2019

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

TRUE COPY

सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.

WEB COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, POLLACHI

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
POLLACHI TALUK POLICE STATION,
COIMBATORE.

5 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, COIMBATORE.

+1 C.C. to M/S. G.KARTHIKEYAN Advocate on payment of necessary
charges SR.NO.22936

Order

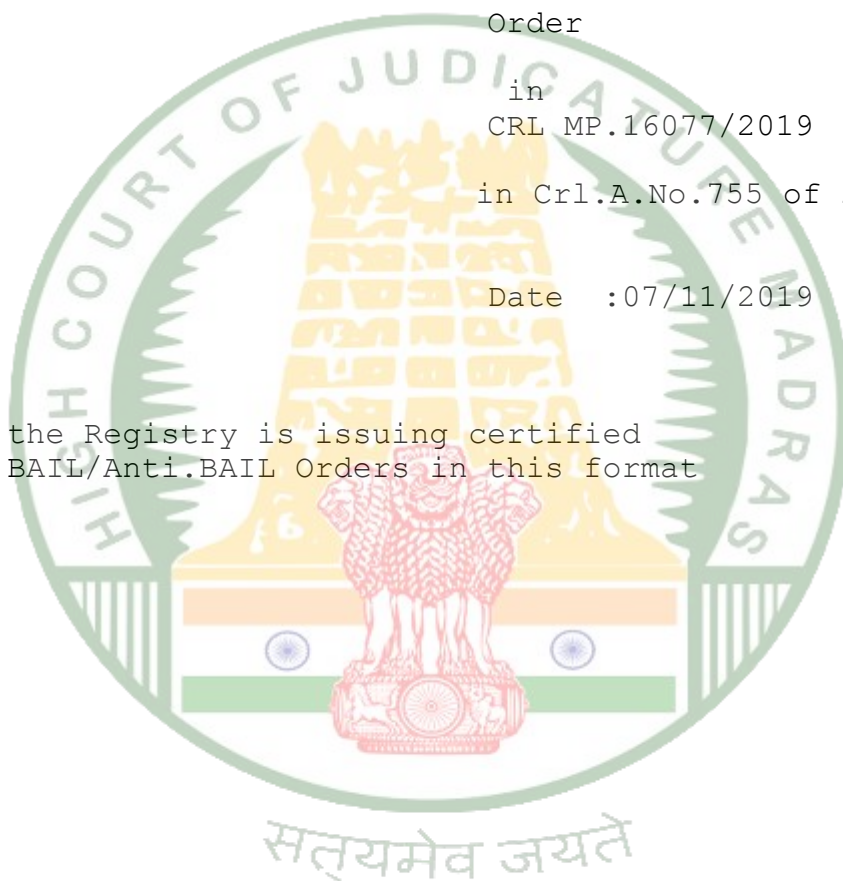
in
CRL MP.16077/2019

in Crl.A.No.755 of 2019

Date :07/11/2019

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

RVR 12/11/2019



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