

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

and

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

CRIMINAL MISCELLANEOUS PETITION No.13911 of 2017

in CRL.A.NO.709/2017

1 VASU @ MURUGANADHAM
2 GUNASEKARAN

[PETITIONERS/APPELLANTS/ACCUSED]

Vs

STATE REP. BY
INSPECTOR OF POLICE,
NADUVEERAPATTU POLICE STATION,
CUDDALORE DISTRICT.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.709 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence made in S.C.No.262 of 2014 on the file of Sessions Court, Cuddalore dated 02.12.2016 and enlarge the petitioners on bail pending disposal of the above appeal.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.709 of 2017 on the file of the High Court and upon hearing the arguments of MR.S.Y.MASOOD, Advocate for the petitioner and of MR.K.PRABAKAR, ADDL. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

[Order of the Court was made by **C.T.SELVAM, J**]

Petitioner/A1 along with two others faced trial in S.C.No.262 of 2014 on the file of learned Sessions Judge, Cuddalore. Under judgment dated 02.12.2016, trial Court convicted petitioner for offence u/s.302 and 294(b) IPC and sentenced to life imprisonment and fine of Rs.1,000/- i/d 3 months S.I. For offence u/s.302 IPC and 1 week S.I. for offence u/s.294(b) IPC. Seeking suspension of sentence passed against him, petitioner has moved the present petition.

2. Learned counsel for petitioner would submit that petitioner is confined at Central Prison, Cuddalore and there are several infirmities and inconsistencies found in the prosecution case. It is

contended that there are contradictions in material particulars in the evidence of the prosecution witnesses.

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

4. Considering the facts and circumstances, particularly, that death has been occasioned 40 days after the occurrence in stage where the deceased has suffered septicemia as also the fact that it is not possible for the Court to take the Criminal Appeal in the near future and the submissions of learned counsel on either side, we are of the considered view that it is a fit case to grant the relief of suspension of sentence to petitioner herein.

Accordingly, the substantive sentence of imprisonment alone is suspended and petitioner is directed to be enlarged on bail on condition that petitioner shall execute a bond in a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a like sum to the satisfaction of learned Sessions Judge, Cuddalore and on further condition that petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-

07/02/2019

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 SESSIONS JUDGE,
CUDDALORE

2 THE PRINCIPAL SESSIONS JUDGE,
CUDDALORE. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
NADUVEERAPATTU POLICE STATION,
CUDDALORE DISTRICT.

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

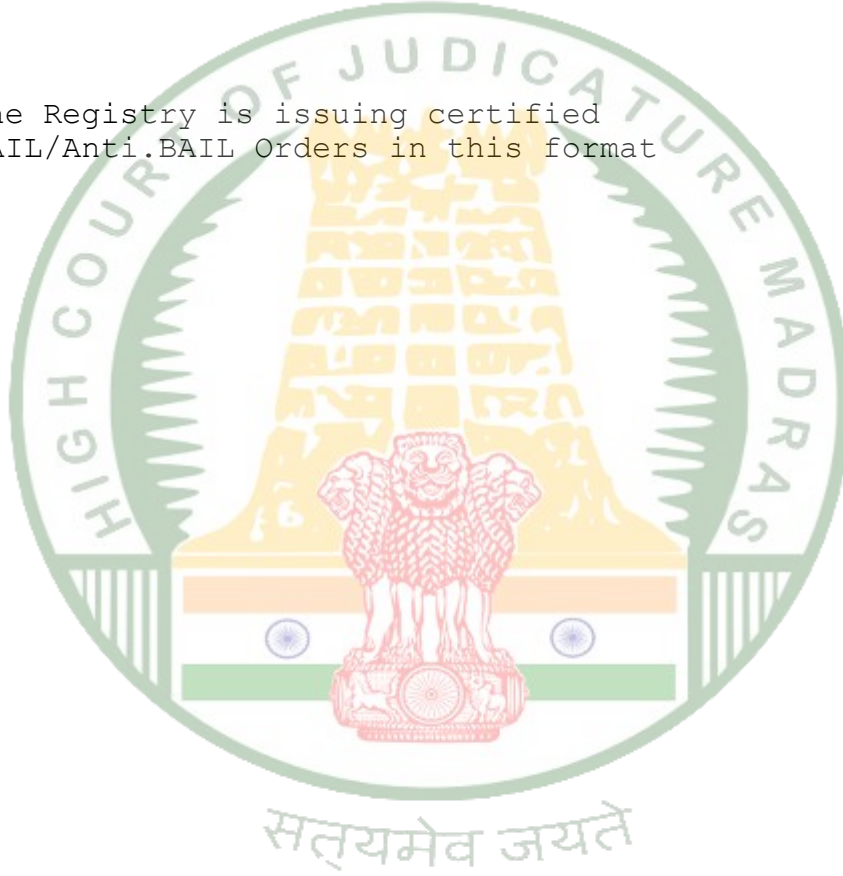
+1 C.C. to M/S.S.Y.MASOOD Advocate on payment of necessary charges-Sr.2702

Order

in
CRL MP.13911/2017
in CRL.A.NO.709/2017

Date :07/02/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 08.02.2019



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