

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of December Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION NO.18549 OF 2019

IN CRL.A.NO.878 OF 2019

MGR @ RAMAMOORTHY

[PETITIONER / APPELLANT]

Vs

THE STATE REP.BY

[RESPONDENT]

INSPECTOR OF POLICE,
SRIMUSHNAM POLICE STATION,
SRIMUSHNAM,
CUDDALORE DISTRICT.
CRIME NO.245 OF 2016.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.878 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence in SC.No.199 of 2018 dated 29.11.2019 by the III Additional District and Sessions Judge, Cuddalore at Vridhachalam pending disposal of the above CRL.A.NO.878 OF 2019 [IN CRL.MP.NO.18549 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.878 OF 2019 on the file of the High Court and upon hearing the arguments of M/S.R.SETHUVARAYAR, 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/A1 faced trial in S.C.No.199 of 2018 on the file of the III Additional District and Sessions Judge, Cuddalore at Vridhachalam, which vide judgment dated 29.11.2019, ended in conviction and the petitioner was sentenced as follows;

Conviction	sentence
(i) for the offence under Section 294(b) IPC	to pay a fine of Rs.500/-, in default, to undergo, SI for two weeks
(ii) for the offence under section 341 IPC	to pay a fine of Rs.200/-, in default, to undergo SI for one week
(iii) for the offence under section 323 IPC	to undergo SI for a period of one year

2. As against the aforesaid conviction and sentence, the petitioner has filed the Criminal Appeal along with this petition seeking suspension of sentence, pending disposal of the appeal.

3. It is submitted by the learned counsel for the petitioner that the deceased died due to sudden cardiac arrest and as per the evidence of PW6, there is no external injuries found on the body of the deceased and hence the appellant has not committed any offence as alleged by the prosecution. It is further submitted by the learned counsel for the petitioner that the amount of fine had already been paid. The learned counsel also 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; 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 the petitioner is having fair chance of success in the appeal. Hence he prays for suspension of substantive sentence of imprisonment imposed against the petitioner pending disposal of the appeal.

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

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

6. 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) each with two sureties of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned III Additional District and Sessions Judge, Cuddalore at Vridhachalam.
- b) The Petitioner 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.

c) The Petitioner/Accused shall appear before the Trial Court at 10.30 a.m. on the first working day of every English Calendar 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/-

18/12/2019

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 III ADDITIONAL DISTRICT
AND SESSIONS JUDGE, CUDDALORE AT
VIRUDHACHALAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
SRIMUSHNAM POLICE STATION,
SRIMUSHNAM,
CUDDALORE DISTRICT.

+1C.C. to M/S.R.SETHUVARAYAR Advocate on payment of
necessary charges SR NO.26067

Order

in
CRL MP.18549/2019
in
CRL.A.878/2019

Date :18/12/2019

From 7.2.2001 the Registry is issuing certified
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