



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 P.D.AUDIKESSAVALU

CRIMINAL MISCELLANEOUS PETITION No.18738 of 2019

IN CRL.A.NO.896 OF 2019

ASOKAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY,
INSPECTOR OF POLICE,
E5, PATTINAPAKKAM POLICE STATION,
CHENNAI-600 021.

[RESPONDENT / COMPLAINANT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.896/2019 on the file of the High Court, the High Court will be pleased to suspend of sentence imposed S.C.No. 384 of 2016 on the file of the Learned Sessions Judge, Special Court for trial of Criminal Cases related to elected Members of Parliament and Members of Legislative Assembly of Tamilnadu, Chennai-II dated 22.11.2019 and enlarge the petitioner on bail, till the disposal of Crl.A.No.896/2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.896/2019 on the file of the High Court and upon hearing the arguments of M/S. E.RAJ THILAK, Advocate for the petitioner and of MR.T.SHANMUGARAJESWARAN, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

Heard Mr. E. Raj Thilak, Learned Counsel for the Appellant and the Mr. T. Shanmugarajeswaran, Learned Government Advocate (Criminal Side), who takes notice for the Respondent.

2. The Appellant faced trial in S.C. No. 384 of 2016 in the Special Court No. II for Trial of Criminal Cases related to Elected Members of Parliament and Legislative Assembly of Tamil Nadu at Chennai and by judgment dated 22.11.2019, was convicted for the charges under Sections 509 and 307 of IPC and Section 22 read with Section 30 of the Arms Act, and has been sentenced to undergo two simple imprisonments for six months each to run concurrently, in addition to total fine of Rs. 11,000/-. Aggrieved thereby, this Criminal Appeal has been filed and the Appellant has sought for suspension of sentence.



3. It is contended by the Learned Counsel for the Appellant that there are various inconsistencies in the case of the prosecution, apart from contradictions in material particulars in the evidence and those infirmities would vitiate the conclusions arrived by the Trial Court. It is also claimed that there are arguable points in the Criminal Appeal at the final hearing and as such, the substantive sentence imposed against the Appellant may be suspended.

4. Learned Counsel for the Appellant further states that the total fine of Rs. 11,000/- has already been remitted on 22.11.2019 and proof for the same has been produced.

5. Having regard to the aforesaid submission made, the substantive sentence of imprisonment alone is suspended and the Appellant is enlarged on bail on the following conditions:-

(a) The Appellant shall 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 Trial Court.

(b) The Appellant and the sureties shall affix their photographs and left thumb impressions in the surety bonds and their identities shall be obtained by AADHAAR Cards or Bank Pass Books or any other document issued by Governmental Authorities.

(c) The Appellant shall appear before the Trial Court every day and if he is not able to appear on any day due to unavoidable circumstances, he shall make arrangements to file an application under Section 317 of Cr.P.C. and shall appear before the Trial Court on the next 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

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL COURT NO.II
FOR TRIAL OF CRIMINAL CASES RELATED TO
ELECTED MEMBERS OF PARLIAMENT AND
MEMBERS OF PARLIAMENT LEGISLATIVE ASSEMBLY
OF TAMIL NADU AT CHENNAI



2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
E5, PATTINAPAKKAM POLICE STATION,
CHENNAI-600 021.

+2 C.C. to M/S. G.SRIRAM Advocate on payment of necessary charges
SR.No.26432

Order

in
CRL MP.18738/2019

in
CRL.A.896/2019

Date :20/12/2019

From 7.2.2001 the Registry is issuing certified
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