

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Tenth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

and

The Hon`ble Mrs Justice R. HEMALATHA

CRIMINAL MISCELLANEOUS PETITION No.12794 of 2018

IN CRL.A.NO.583/2018

M.PALANISAMY,

[PETITIONER/APPELLANT]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
C-2, RACE COURSE POLICE STATION,
COIMBATORE.
CR.NO.790 OF 2016.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.583 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence passed against Petitioner/Appellant in Sessions Case No.171 of 2016 dated 22.03.2018 by the III Additional District and Sessions Judge, Coimbatore and enlarge petitioner on bail pending disposal of the CRL.A.NO.583/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.583 of 2018 on the file of the High Court and upon hearing the arguments of M/S.P.NAGARAJU, Advocate for the petitioner and of MR. R.PRATHAP KUMAR, 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/Accused faced trial in S.C.No.171 of 2016 on the file of learned III Additional District and Sessions Judge, Coimbatore. Trial Court, under judgment dated 22.03.2018, convicted petitioner for an offence u/s.302 IPC and sentenced him to undergo Life Imprisonment and imposed a fine of Rs.1,000/- i/d to undergo three months simple imprisonment. Seeking suspension of sentence, petitioner has moved the present petition.

2. Learned counsel for petitioner submits that the petitioner is confined at Central Prison, Coimbatore, 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 above submissions.

4. Considering the facts and circumstances of the case and also considering 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 the petitioner herein.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and petitioner is directed to be enlarged on bail on condition that the 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 Judicial Magistrate No.3, Coimbatore, and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-
10/01/2019

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 JUDICIAL MAGISTRATE,
NO.3, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE III, ADDL. DISTRICT AND
SESSIONS JUDGE, COIMBATORE.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
C-2, RACE COURSE POLICE STATION,
COIMBATORE.

+1 C.C. to M/S.P.NAGARAJU Advocate on payment of necessary charges-Sr.728

Order

in
CRL MP.12794/2018
IN CRL.A.NO.583/2018

Date :10/01/2019

From 7.2.2001 the Registry is issuing certified
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