

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Third day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

and

The Hon`ble Mrs Justice S. RAMATHILAGAM

CRIMINAL MISCELLANEOUS PETITION No.15092 OF 2018

IN

CRL.A.NO.706 OF 2018

APPU @ LOGANATHAN

[PETITIONER / APPELLANT]

Vs

STATE REP. BY ITS

[RESPONDENT]

INSPECTOR OF POLICE,
SOMANGALAM POLICE STATION,
SOMANGALAM,
SRIPERUMBUDUR TALUK,
KANCHIPURAM DISTRICT.
CR.NO.21 OF 2013

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.706 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in Criminal appeal against the judgment of convicting the appellant in S.C.No. 36 of 2014 dated 26.09.2018 on the file of the Learned Sessions Judge No.2, Kanchipuram and grant bail to the petitioner/appellant, in CRL.A.NO.706 OF 2018 [IN CRL.MP.NO.15092 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.706 OF 2018 on the file of the High Court and upon hearing the arguments of M/S.J.C.DURAIRAJ Advocate for M/S.T.SUNDARAVADANAM, Advocate for the petitioner and of MR.K.PRABAKAR, ADDITIONAL 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 was convicted for offence u/s.304(ii) and 324 IPC and sentenced to undergo 10 years R.I and fine of Rs.3,000/- i/d 6 months R.I for offence u/s 304 (ii) IPC and 3 years S.I and fine of Rs.2,000/- i/d 6 months R.I for offence u/s 324 IPC by learned District and Sessions Judge No.2, Kancheepuram, under judgment dated 26.09.2018 in S.C.No.36 of 2014. Hence, petitioner seeks suspension of sentence.

2. We have heard learned counsel for petitioner as also learned Additional Public Prosecutor and perused the counter affidavit filed by the respondent.

3. Learned counsel for petitioner would submit that the petitioner is confined at Central Prison, Puzhal, Chennai and there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses.

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

5. Considering the facts and circumstances of the case and in view of the fact that the petitioner has been in custody, that there are several infirmities in the prosecution case and there are arguable points involved in the appeal, as contended by learned counsel for petitioner, and further the appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the 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 the learned District Munsif-cum-Judicial Magistrate, Sriperumbudur, and on further condition that the petitioner shall appear before the concerned Court on the first working day of every month at 10.30.a.m. pending appeal.

-sd/-

03/01/2019

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 DISTRICT AND SESSIONS JUDGE NO.2,
KANCHEEPURAM.

2 THE SESSIONS JUDGE NO.2,
KANCHEEPURAM

3 THE DISTRICT MUNSIF-CUM-
JUDICIAL MAGISTRATE, SRIPERUMBUDUR.

4 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI.

6 THE INSPECTOR OF POLICE,
SOMANGALAM POLICE STATION,
SOMANGALAM, SRIPERUMBUDUR TALUK,
KANCHIPURAM DISTRICT.

7 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to T.SUNDARAVADANAM Advocate on payment of necessary
charges SR NO.154

Order

in

CRL MP.15092/2018

in

CRL.A.NO.706/2018

Date :03/01/2019

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MK:04/01/2019

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