

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the First day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

and

The Hon`ble Mrs Justice S. RAMATHILAGAM

CRIMINAL MISCELLANEOUS PETITION No.16869 of 2018

IN CRL.A.No.653 OF 2018

SASIKALA

[PETITIONER]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
VEERANAM POLICE STATION,
SALEM DISTRICT.
CR.NO.176/2015.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.No.653 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the Learned II Additional District and Sessions Judge, Salem dated 03.10.2018 in S.C.No.54/2016 and enlarging him on bail pending disposal of the above CRL.A.No.653 OF 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.No.653 OF 2018 on the file of the High Court and upon hearing the arguments of MR.J.C.DURAIRAJ FOR MR.N.SUDHARSAN, 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/A1 was convicted for offence u/s.449, 302 r/w 34 IPC and sentenced to undergo 7 years R.I and fine of Rs.1,000/- i/d one year S.I for offence u/s 449 IPC and life imprisonment and fine of Rs.1,000/- i/d one year R.I for offence u/s 302 r/w 34 IPC by learned II Additional District and Sessions Judge, Salem, under judgment dated 03.10.2018 in S.C.No.54 of 2016. Hence, petitioner seeks suspension of sentence.

2. We have heard learned counsel for petitioner as also learned Additional Public Prosecutor for respondent.

3. Learned counsel for petitioner would submit that the petitioner is confined at Central Prison, Vellore 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 Judicial Magistrate No.IV, Salem, 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/-
01/02/2019

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 JUDICIAL MAGISTRATE,
NO.IV, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE II ADDITIONAL DISTRICT AN
SESSIONS JUDGE, SALEM.

4 THE INSPECTOR OF POLICE,
VEERANAM POLICE STATION,
SALEM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1C.C. to M/S.N.SUDHARSAN Advocate on payment of necessary
charges in SR.NO. 2409

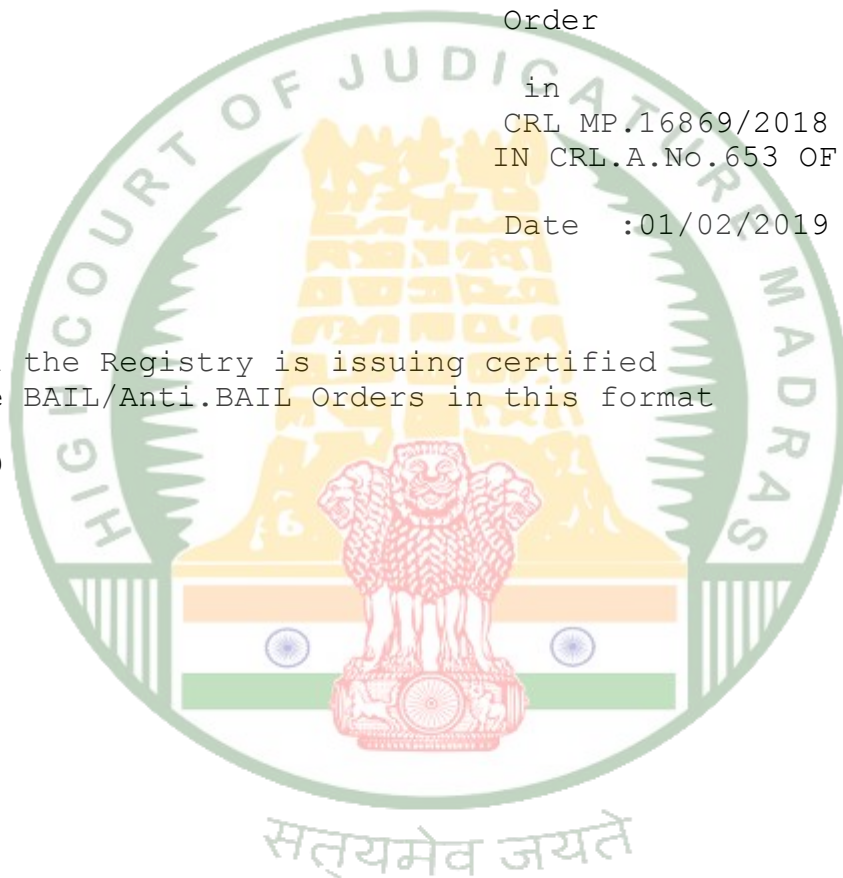
Order

in
CRL MP.16869/2018
IN CRL.A.No.653 OF 2018

Date :01/02/2019

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MLT-04/02/2019



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