

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty 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.16429 of 2018

IN CRL.A.NO.792 OF 2018

G.RAMSHANKAR

[PETITIONER]

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
PERUMANALLUR POLICE STATION,
TIRUPPUR DISTRICT
CR.NO.140 OF 2014.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.792/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner appellant accused in the judgment passed in Spl.S.C.no.1 of 2015 on the file of file of the Principal District cum Sessions Judge, Tiruppur dated 25.10.2018 till the disposal of the above Criminal Appeal.[CRL.MP.NO.16429/2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.792/2018 on the file of the High Court and upon hearing the arguments of MR.V.KRISHNAMOORTHY SENIOR COUNSEL FOR M/S.J.PRADEEP Advocate for the petitioner and of MR.K.PRABAKAR 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/A1 faced trial in S.C.No.1 of 2015 on the file of the learned Principle District & Sessions Court, Tiruppur. Trial Court, under judgment dated 25.10.2018, convicted petitioner for an offence u/s. 302 IPC and sentenced him to undergo life imprisonment and imposed a fine of Rs.2,000/- i/d 6 months R.I. 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. Learned counsel further submits that the fine amount has already been paid by the petitioner.

3. Heard learned Additional Public Prosecutor on the above submissions.

4. On a cogent reading of the FIR registered in the case, the timing thereof, further the time on which FIR reached the Magistrate, the Accident Register entry informing a different cause of death, death as projected by the prosecution and other facts and circumstances, this Court considers it appropriate to grant the relief of suspension of sentence to petitioner.

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 the learned Principle District and Sessions Judge, Tiruppur, 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/-

23/01/2019

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 PRINCIPLE DISTRICT AND
SESSIONS JUDGE,
TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERUMANALLUR POLICE STATION,
TIRUPPUR DISTRICT

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

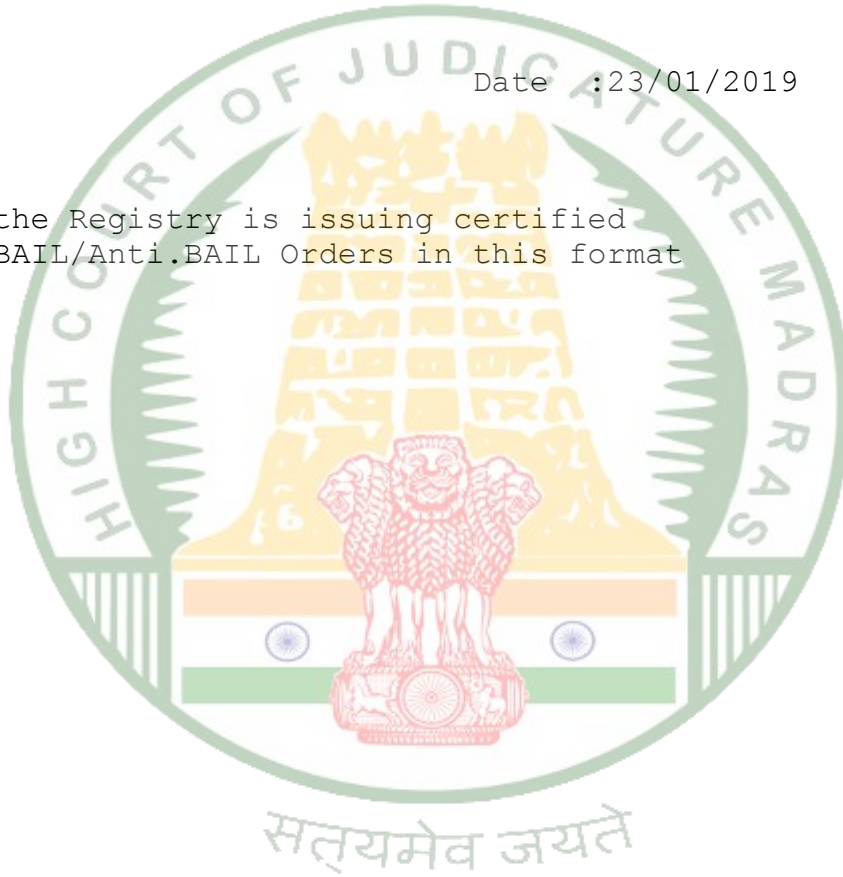
+1 C.C. to M/S.J.PRADEEP Advocate on payment of necessary
charges SR.NO. 1412

Order

in
CRL MP.16429/2018

Date : 23/01/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 25/01/2019



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