

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Ninth 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.17530 of 2018

IN CRL.A.No.51 OF 2018

KUMAR @ JAYAKUMAR

[PETITIONER]

Vs

STATE REP BY ITS [RESPONDENT]
THE INSPECTOR OF POLICE,
T.R.PATTINAM STATION, T.R.PATTINAM,
KARAIKAL DISTRICT,
PUDUCHERRY.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.No.51 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the conviction and sentence passed on the Petitioner/Appellant in SC.No.4 of 2014 dt.12.10.2017 by the Learned Sessions Judge, Karaikal, Karaikal District, Puducherry, enlarged him on bail the disposal of the Criminal Appeal No.51 of 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.No.51 OF 2018 on the file of the High Court and upon hearing the arguments of M/S.T.WILSON EASTER RAJ, Advocate for the petitioner and of MR.D.BHARATHA CHAKRAVARTHY, PUBLIC PROSECUTOR OF PUDUCHERRY on behalf of the Respondent the court made the following order:-

(Order of the Court was made by **C.T.SELVAM, J**)

Petitioner/A2 was convicted for offence u/s.302 r/w 109 IPC and sentenced to undergo Life Imprisonment and fine of Rs.5,000/- i/d 6 months S.I by learned Sessions Judge, Karaikal, under judgment dated 12.10.2017 in S.C.No.4 of 2014. Hence, petitioner seeks suspension of sentence.

2. We have heard learned counsel for petitioner as also learned Public Prosecutor (Pondicherry) for respondent.

3. Learned counsel for petitioner would submit that the petitioner is confined at Sub Jail, Karaikal 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. Learned counsel further submitted that the fine amount has not been paid by the petitioner.

4. Heard learned Public Prosecutor (Pondicherry) 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 petitioners have 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 Sessions Judge, Karaikal, Karaikal District, Puducherry, 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/-

09/01/2019

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 SESSIONS JUDGE,
KARAIKAL, KARAIKAL DISTRICT,
PUDUCHERRY.

2 THE PUBLIC PROSECUTOR
PUDUCHERRY.

3 THE INSPECTOR OF POLICE,
T.R.PATTINAM STATION, T.R.PATTINAM,
KARAIKAL DISTRICT,
PUDUCHERRY.

4 THE OFFICER INCHARGE,
SUB JAIL, KARAIKAL.

+1C.C. to M/S.T.WILSON EASTER RAJ Advocate on payment of
necessary charges in SR.NO. 647

Order

in
CRL MP.17530/2018
IN CRL.A.No.51 OF 2018

Date :09/01/2019

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MLT-10/01/2019

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