

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighteenth 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.17447 of 2018

in CRL.A.NO.838/2018

SUGUNA

[PETITIONER/APPELLANT/ACCUSED]

Vs

STATE BY

[RESPONDENT]

INSPECTOR OF POLICE,
THIRUVANNAMALAI TOWN POLICE STATION,
THIRUVANNAMALAI DISTRICT.
(CR.NO.429 OF 2003)

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.838 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the order of conviction and sentences made in S.C No.58 of 2007 by the Learned Principal District and Sessions Judge at Thiruvannamalai by its judgement dated 10.12.2018 and enlarge the petitioner on bail, pending disposal of the above CRL.A.NO.838/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.838 of 2018 on the file of the High Court and upon hearing the arguments of MR.S.ANANTHA NARAYANAN, SENIOR COUNSEL FOR MR.S.M.NANDHIE DEVHAN, 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/A2 was convicted for offence u/s.302 r/w 34 IPC and sentenced to undergo Life Imprisonment and fine of Rs.1,000/- i/d 2 years R.I by learned Principal District and Sessions Judge, Tiruvannamalai, under judgment dated 10.12.2018 in S.C.No.58 of 2007. 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 submission of learned Senior counsel for petitioner that Ex.D1-Accident Register of the deceased under No.2667865 dated 29.03.2003 informs the cause of injuries suffered by the deceased as owing to his setting himself ablaze and immediately following Accident Register No.2667866 seeks to inform the cause of death as 'set ablaze by two known persons', the FIR informs the occurrence having taken place at the house of the deceased and in an occurrence involving 10 known persons, whereas in the course of evidence, the scene has been shifted to the house of A2 and that the first dying declaration has been suppressed, this Court is inclined to grant suspension of sentence to the petitioner.

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 Principal District and Sessions Judge, Tiruvannamalai, 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/-
18/01/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

सत्यमेव जयते
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

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TO

1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, TIRUVANNAMALAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.
<https://hcservices.ecourts.gov.in/hcservices/>

4 THE INSPECTOR OF POLICE,
THIRUVANNAMALAI TOWN POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+2 C.C. to M/S.S.M.NANDHIE DEVHAN Advocate on payment of
necessary charges -Sr.1054

Order

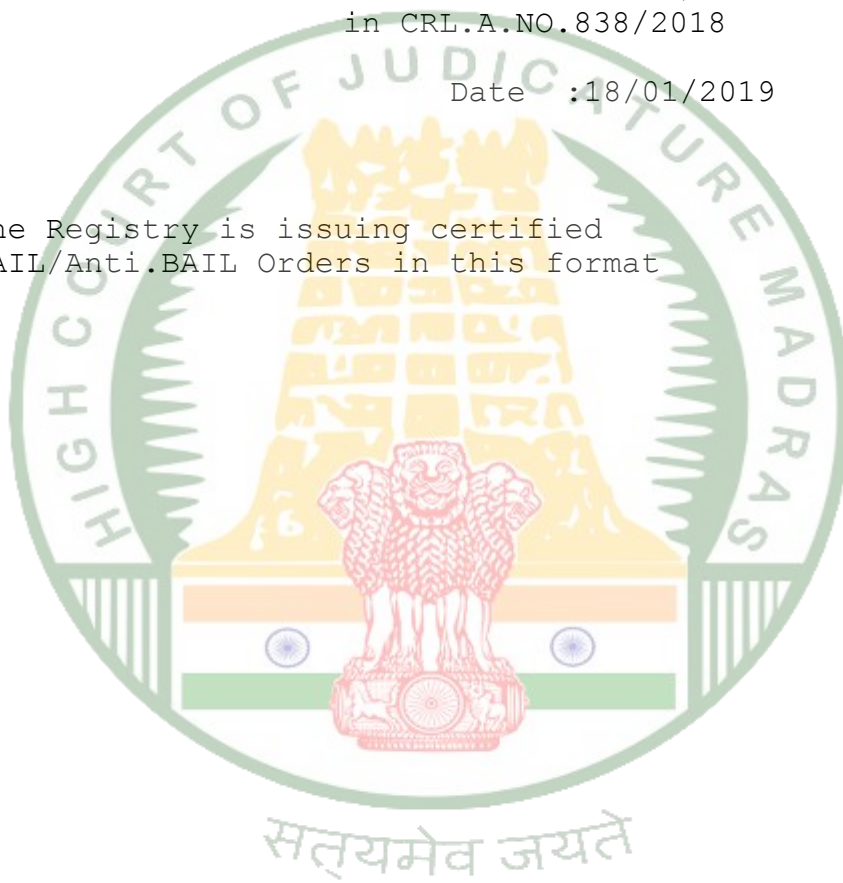
in

CRL MP.17447/2018

in CRL.A.NO.838/2018

Date :18/01/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 21.01.2019



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