

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty First 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.17698 OF 2018

IN

CRL.A.NO.160 OF 2018

MOORTHY

[PETITIONER / APPELLANT]

Vs

THE STATE BY

[RESPONDENT]

INSPECTOR OF POLICE,
TIRUCHENGODE RURAL POLICE STATION,
NAMAKKAL DISTRICT.
CR.NO.57 OF 2013.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.160 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment imposed in the judgment dated 27.02.2018 made in S.C.No.23 of 2016 on the file of the learned Additional District and Sessions Judge (Full Additional Charge), Namakkal and enlarge the petitioner on bail pending disposal of the above CRL.A.NO.160 OF 2018 [IN CRL.MP.NO.17698 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.160 OF 2018 on the file of the High Court and upon hearing the arguments of M/S.N.MANOKARAN, 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.449 and 302 IPC and sentenced to undergo 7 years R.I and fine of Rs.2,000/- i/d 6 months R.I for offence u/s 449 IPC and Life imprisonment and fine of Rs.2,000/- i/d 6 months R.I for offence u/s 302 IPC by learned Additional District and Sessions Judge, Namakkal, under judgment dated 27.02.2018 in S.C.No.23 of 2016. 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, Coimbatore 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 submits that the fine amount has been paid by the petitioner.

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, Tiruchengode, 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/-

21/01/2019

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

TRUE COPY

WEB COPY

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

TO

1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, NAMAKKAL.

2 THE JUDICIAL MAGISTRATE,
TIRUCHENGODE.

3 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE INSPECTOR OF POLICE,
TIRUCHENGODE RURAL POLICE STATION,
NAMAKKAL DISTRICT.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S.N.MANOKARAN Advocate on payment of necessary
charges SR NO.1264

Order

in

CRL MP.17698/2018

in

CRL.A.NO.160/2018

Date :21/01/2019

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

MK:22/01/2019

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