

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Sixteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL MP (MD) No.4512 of 2019

IN

CRL A (MD) No.218 of 2019

SARATH

... PETITIONER/APPELLANT

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
VADASERY POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT.
CRIME NO.380/2009

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of imprisonment imposed on the petitioner by the Learned Principal Sessions Judge, Kanyakumari District at Nagercoil, in S.C.No.196/2016 on 02/04/2019 and to enlarge him on bail pending disposal of the above main Crl.A

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.L.SHAJI CHELLAN, Advocate for the petitioner and of MR.K.K.RAMAKRISHNAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The present appeal is arising out of the conviction and sentence imposed against this petitioner in S.C.No.196 of 2016 dated 02.04.2019 by the learned Principal District and Sessions Judge, Kanyakumari, wherein the petitioner was found guilty for the offences punishable under Sections 148, 450, 427, 324 and 149 r/w. 326 of IPC and have been convicted and sentenced as detailed below :

Penal Provision(s) under which convicted	Sentence	Fine amount
Section 148 of IPC	To undergo one year simple imprisonment	Rs.1,000/- in default to undergo two months simple imprisonment

Section 450 of IPC	To undergo two years	Rs.5,000/- in default to undergo three months simple imprisonment
Section 427 of IPC	To undergo Six months simple imprisonment	Rs.1,000/- in default to undergo one months simple imprisonment
Section 324 of IPC	To undergo one year simple imprisonment	Rs.2,000/- in default to undergo two months simple imprisonment
Section 149 r/w. 326 of IPC	To undergo three years simple imprisonment	Rs.5,000/- in default to undergo six months simple imprisonment

2.The learned counsel appearing for the petitioner would submit that the other co-accused who have also been similarly convicted by the trial Court have preferred separate appeals before this Court and their sentence has been suspended by this Court vide an order dated 24.04.2019 in CrI.M.P.(MD)No.173 of 2019. He would further submit that since the petitioner is working in abroad, he can avail leave only during Friday and he undertakes to appear before the concerned Court on first Friday of every month.

3.Since the sentence of other co-accused were already suspended by this Court, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

4.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 for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Nagercoil, and on further condition that the petitioners shall appear before the said Court at 10.30 a.m., on the first Friday of every English Calendar month, until further orders.

sd/-
16/05/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE PRINCIPAL SESSIONS JUDGE,

KANYAKUMARI

<https://hcservices.ecourts.gov.in/hcservices/>

2.THE JUDICIAL MAGISTRATE NO.II,
NAGERCOIL

3.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL

4.THE INSPECTOR OF POLICE,
VADASERY POLICE STATION,NAGERCOIL,
KANYAKUMARI DISTRICT,

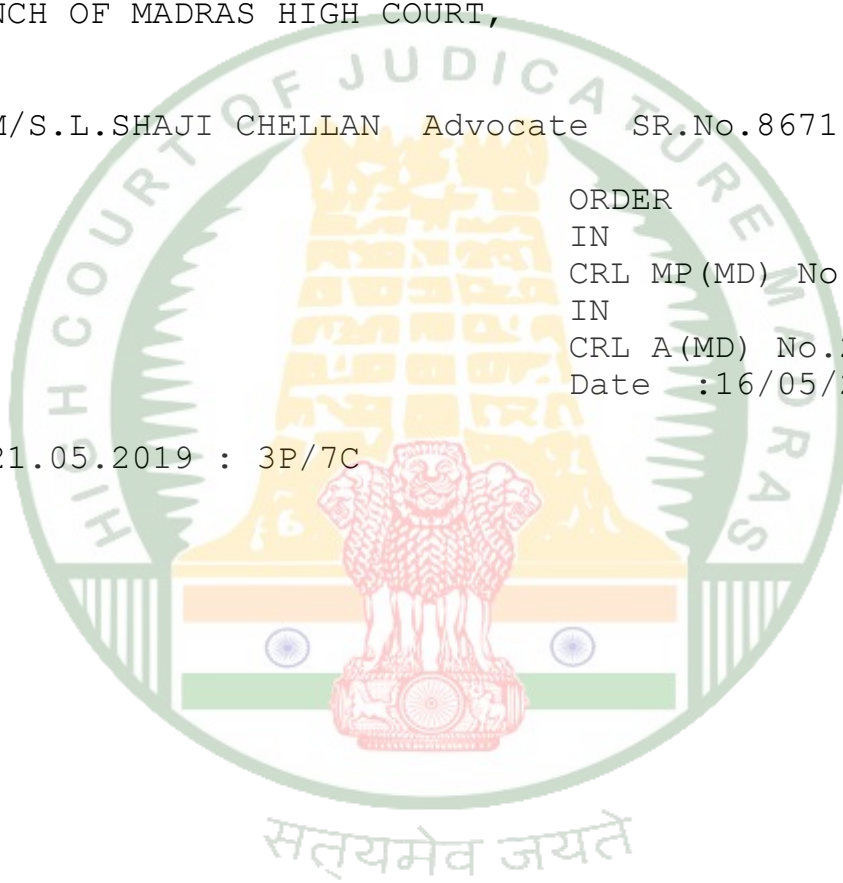
5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.L.SHAJI CHELLAN Advocate SR.No.8671

ORDER
IN
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IN
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Date :16/05/2019

MRN

PK/JC/SAR-3/21.05.2019 : 3P/7C



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