

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Sixth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.677 of 2020

IN CRL.A.No.34 of 2020

KRISHNASAMY

[PETITIONER]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
UDUMELPET POLICE STATION,
UDUMALPET,
TIRUPUR DISTRICT.
CR.NO.684/2013.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence imposed in the Judgment dated 14.11.2019 made in S.C.No.149 of 2014 on the file of the learned Magalir Neethi Mandram Fast Track Mahila Judge of Tirupur, and release the petitioners on bail pending Crl.A.No.34 of 2020.

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

The petitioner / appellant / sole accused faced trial in S.C.No.149 of 2014 on the file of learned Sessions Judge, Fast Track Mahila Court, Tiruppur. Under judgment, dated 14.11.2019, the trial Court convicted the petitioner / appellant for the offence under Section 307 IPC and sentenced him to undergo ten years Rigorous Imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo one year Rigorous Imprisonment. As against the aforesaid conviction and sentence, the petitioner has filed this Criminal Appeal, along with the petition seeking suspension of sentence.

2. The learned counsel for the petitioner submitted that the amount of fine, as directed by the Court below in its judgment, has been paid by the petitioner. He further submitted that there are

several infirmities and inconsistencies in the prosecution case and there are also contradictions in material particulars in the evidence of the prosecution. He also submitted that there are arguable points available in this Criminal Appeal, which is not likely to be taken up for final hearing in the near future and hence, the substantive sentence imposed against the petitioner may be suspended.

3. Heard learned Additional Public Prosecutor on the submissions made by the learned counsel for petitioner.

4. Considering the facts and circumstances of the case and taking into consideration the submissions of learned counsel on either side, this Court is of the view that the petitioner herein may be granted the relief of suspension of sentence. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner herein is directed to be enlarged on bail on the following conditions:-

- a) The Petitioner/Accused is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Magalir Neethimandram, Tiruppur;
- b) The Petitioner/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the learned Judge may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.
- c) The Petitioner/Accused shall stay at Krishnagiri and sign before the Inspector of Police, Krishnagiri Town Police Station, everyday twice, at 10.30 a.m. and 05.30 p.m, until further orders.

Needless to state that if there is any non-compliance of the above conditions by the petitioner or if there is any complaint made by the victim against the petitioner, this order stands automatically cancelled and it is for the authorities to take him to custody immediately.

-sd/-

26/02/2020

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 INSPECTOR OF POLICE,
UDUMELPET POLICE STATION,
UDUMALPET,
TIRUPUR DISTRICT.

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

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
TIRUPPUR.

4 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
MAGALIR NEETHIMANDRAM, TIRUPPUR.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

6 THE INSPECTOR OF POLICE,
KRISHNAGIRI TOWN POLICE STATION,
KRISHNAGIRI.

+1 C.C. to M/S.B.MOHAN Advocate on payment of necessary charges
SR.NO.3845

Order

in

CRL MP.677/2020

in

CRL.A.No.34/2020

Date :26/02/2020

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TA-02/03/2020

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