

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Seventeenth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.1069 of 2020

in Crl.A.No.64 of 2019

MOHAN @ MOGANARANGAN

[PETITIONER]

Vs

STATE BY THE INSPECTOR OF POLICE, [RESPONDENT]
ARAKKONAM TOWN POLICE STATION,
VELLORE DISTRICT,
(CRIME NO.337/2014).

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.64 of 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed against the petitioner in S.C.No.90/2015 on the file of the Learned Fast Track Magalir Neethi Mandram (Sessions Judge), Vellore, Vellore District dated 07.01.2019 and enlarge the petitioner on bail pending disposal of the said Crl.A.No.64/2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.64 of 2019 on the file of the High Court and upon hearing the arguments of M/S. E.KANNADASAN, 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 faced trial in S.C.No.90 of 2015 on the file of learned Sessions Judge, Fast Track Magalir Neethimandram, Vellore, Vellore District. Under judgment dated 07.01.2019, the trial Court convicted and sentenced the petitioner / accused of the offences as tabulated hereunder:-

Convicted of the Offence	Sentenced
Under Section 450 IPC	to undergo three years Rigorous Imprisonment (R.I.) and to pay a fine of Rs.1,000/-, in default to undergo R.I. for three months.
Under Section 394 r/w 397 IPC	to undergo seven years R.I. and to pay a fine of Rs.1,000/- in default to undergo R.I. for three months.

2. The sentences were ordered to run concurrently. As against the aforesaid conviction and sentence, the petitioner/appellant has

of sentence.

3. It is submitted by the learned counsel for the petitioner / appellant / accused that the amount of fine had already been paid, as directed by the trial Court in its judgment. 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.

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

5. Considering the facts and circumstances of the case and taking into consideration the submissions of learned counsel for both sides, this Court is of the view that the petitioner herein can 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 Judicial Magistrate No.I, Trichirappalli;
- b) The Petitioner/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.
- c) The Petitioner/Accused shall stay at Trichirappalli and appear before the learned Judicial Magistrate No.I, Trichirappalli, at 10.30 a.m. everyday, until the disposal of the Revision Case.

-sd/-

17/02/2020

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 JUDICIAL MAGISTRATE,
NO.I, TRICHIRAPPALLI

2 THE FAST TRACK MAGALIR
NEETHIMANDRAM(SESSIONS JUDGE) VELLORE
VELLORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARAKKONAM TOWN POLICE STATION,
VELLORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

C.C. to M/S. E.KANNADASAN Advocate on payment of necessary
charges Sr.3094

Order

in
CRL MP.1069/2020

in Crl.A.No.64 of 2019

Date :17/02/2020

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

RVR 19/02/2020

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