

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixteenth day of September Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice N. KIRUBAKARAN

and

The Hon`ble Mr Justice P. VELMURUGAN

CRIMINAL MISCELLANEOUS PETITION No.1452 of 2020

IN CRL.A.NO.780 OF 2019

GOVINDAN

[PETITIONER]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
KAVERIPATTINAM POLICE STATION,
KAVERIPATTINAM,
CR.NO.93/2016.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.780/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the Additional District Sessions Court, Krishnagiri in SC No.147/2016 dated 17.10.2019 and enlarge the petitioner on bail pending disposal of the above Crl.A.No.780/2019. [CRL.MP.NO.1452/2020]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.780/2019 on the file of the High Court and upon hearing the arguments of M/S.S.ARIVAZHAGAN Advocate for the petitioner and of Mrs.G. PRABAVATHI Addl. Public Prosecutor on behalf of the Respondent the court made the following order:-

(Order of the Court was made by **N.KIRUBAKARAN, J.**)

This Petition has been filed to suspend the sentence imposed by the Additional District Sessions Court, Krishnagiri in S.C.No.147 of 2016 dated 17.10.2019 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

2.Heard Mr.S.Arivazhagan, learned Counsel for the Petitioner and
<http://www.mca.gov.in> learned Additional Public Prosecutor appearing for

the respondent.

3.The learned Counsel for the Petitioner submitted that the petitioner is in jail for the past one year and even in the pre-trial period, he was in jail as pre-trial prisoner for ninety days. Moreover, he submitted that after the attack by Kuppan, who is the first accused, the Petitioner who is arrayed as second accused had attacked the deceased. However, he submitted that the first accused and the other co-accused have been granted bail and the only convict, who has not been granted bail is the present petitioner and sought for allowing this Petition.

4.However, the learned Additional Public Prosecutor submitted that it is evident from Paragraph No.9 of the Judgement that the eye witnesses have clearly spoken about the main overt act of the convict who inflicted the cut injuries in the front and back of the skull using knife given by the co-accused viz., Sundari. Therefore, she submitted that the suspension of sentence cannot be granted and sought for dismissal of this petition.

5.Taking into consideration of the main role played by the petitioner viz., stabbing the deceased with knife both in front and back of the skull, due to which the victim died, this Court is not inclined to suspend the sentence imposed on the petitioner. Accordingly, this petition is dismissed.

6.Registry is directed to post the Criminal Appeal for final hearing in the third week of October, 2020.

-sd/-
16/09/2020

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

TRUE COPY

सत्यमेव जयते

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

WEB COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, KRISHNAGIRI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

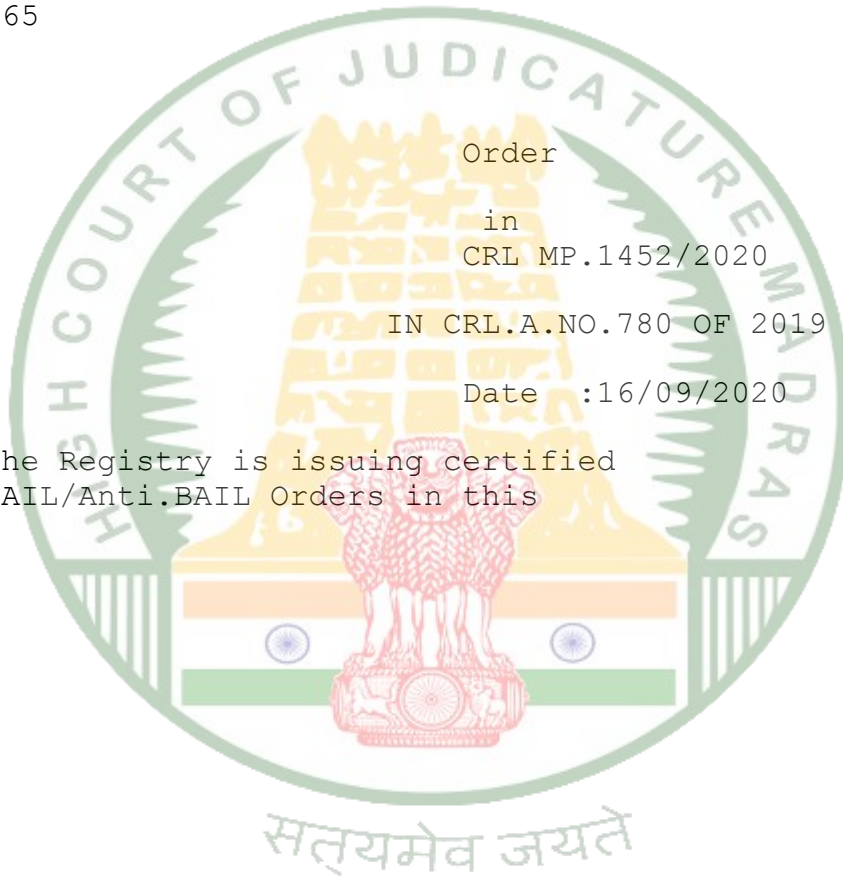
3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

4 THE INSPECTOR OF POLICE,
KAVERIPATTINAM POLICE STATION,
KAVERIPATTINAM,

copy to

THE SECTION OFFICER
CRIMINAL SECTION,
HIGH COURT, MADRAS

+1 C.C. to M/S.S.ARIVAZHAGAN Advocate on payment of necessary
charges SR nO.6465



Order

in
CRL MP.1452/2020

IN CRL.A.NO.780 OF 2019

Date :16/09/2020

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this
RD 28/09/2020

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