

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fourth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.1306 of 2020

IN CRL.APPEAL.NO.10 OF 2020

VENKATESAN

[PETITIONER / APPELLANT / ACCUSED]

(CONVICT NUMBER 7676)

Vs

THE STATE BY

[RESPONDENT / PROSECUTING COMPLAINANT]

INSPECTOR OF POLICE,
J-11, KANNAKI NAGAR POLICE STATION,
KANCHEEPURAM DISTRICT
(CRIME NO.1527 OF 2010).

Petition praying that in the circumstances stated therein the High Court will be pleased to suspend the sentence of imprisonment imposed in the judgment dated 29.08.2019 passed in Spl.S.C.No.66 of 2012 by the learned Additional District & Sessions Court, Chengalpattu and enlarge petitioner on bail pending disposal of the above CRL.A.NO.10 OF 2020 [IN CRL.MP.NO.1306 OF 2020]

Order : These petitions coming on for orders upon perusing the petition and upon hearing the arguments of M/S. R.THIRUMOORTHY, 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 Spl.S.C.No.66 of 2012 on the file of learned Additional District and Sessions Judge, Chengalpattu. Under judgment dated 29.08.2019, the trial Court found the petitioner guilty for the offence under Section 304 (i) IPC and sentenced him to undergo Rigorous Imprisonment for a period of ten years and to pay a fine of Rs.1,000/-, in default, to undergo Rigorous Imprisonment for a further period of one year. Aggrieved over the same, the petitioner/appellant has filed this Criminal Appeal along with the petition seeking suspension of sentence.

2. It is submitted by the learned counsel for the petitioner/accused that the amount of fine had already been paid, as directed by the trial Court in its judgment. He further submitted that the petitioner has got four children to be taken care of; 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; 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 account the submissions made by the learned counsel on either side, this Court is of the view that the petitioner herein can be granted the relief of suspension of sentence.

5. 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 ordered to be released on bail, on his executing 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 Additional District and Sessions Judge, Chengalpattu;

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; and

c) The Petitioner/ Accused shall appear before the Trial Court on the first working day of every month at 10.30 a.m., until the disposal of the Appeal and if he is not able to appear before the Trial Court on any day, due to unavoidable circumstances, he shall make arrangements to file an application under Section 317 of Cr.PC. and shall appear before the Trial Court on any other day in lieu of his absence, as directed by the Trial Court. Such an application shall not be entertained often.

-sd/-

04/02/2020

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 ADDITIONAL DISTRICT &
SESSION JUDGE, CHENGALPATTU.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
J-11, KANNAKI NAGAR POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE SUPERINTENDENT,
CENTAL PRISON-PUZHAL,
CHENNAI.

+1C.C. to M/S. R.THIRUMOORTHY Advocate on payment of
necessary charges SR NO.2115

Order

in
CRL MP.1306/2020
in
CRL A.10/2020

Date :04/02/2020

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MK:07/02/2020