

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI. M.P. No.2747 of 2020

in

CrI.A. No.147 of 2020

Karunamoorthy

...Appellant/Accused No.8

Vs.

State by, Inspector of Police,
Namakkal Police Station,
In Crime No.98/2017
Namakkal.

...Respondent/Complainant

PRAYER : Criminal Miscellaneous Petition filed under Section 389 (1) of Criminal Procedure Code praying to suspend the sentence imposed in the judgment dated 06.08.2019 in SC.No.91 of 2018 on the file of the learned Sessions Judge, Special Court for SC & ST (POA) Act and Additional District and Sessions Judge (FAC) of Namakkal and release the petitioner on bail pending Criminal Appeal.

For Petitioner : Mr.B.M.Subash

For Respondent : Mrs.M.Prabhavathi,
(Additional Public Prosecutor)

O R D E R

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

The matter is heard through "Video Conferencing".

2.The appeal has been filed by the appellant against the conviction and life sentence imposed by the judgment dated 06.08.2019 passed in SC.No.91 of 2018 on the file of the learned Sessions Judge, Special Court for SC & ST (POA) Act and Additional District and Sessions Judge (FAC) of Namakkal. The present petition has been filed to suspend the sentence imposed on him.

3.The learned counsel appearing for the petitioner would submit that except A1 and A8/the petitioner herein, other accused have already been enlarged on bail.

4.Heard Mr.B.M.Subash, learned counsel appearing on behalf of the petitioner and Mrs.M.Prabhavathi, learned Additional Public Prosecutor and perused the materials on record.

5.Taking into consideration that the overt act of the petitioner is only that he caught hold of the victim and also the enlargement of the other accused on bail viz., A2 to A7, this Court is inclined to suspend the sentence imposed on the petitioner.

6.Accordingly, the substantive sentence of imprisonment imposed by the learned Sessions Judge, Special Court for SC & ST (POA) Act and Additional District and Sessions Judge (FAC) of Namakkal in SC.No.91 of 2018 on the petitioner is suspended on the following conditions:

(i) Petitioner/accused No.8 is directed to execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of Prison, Central Prison, Coimbatore in view of the prevailing pandemic situation.

(ii) The petitioner shall appear before the jurisdictional police, on first Monday of every month at 11.00 A.M. until further orders.

-sd/-

07/09/2020

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

TRUE COPY

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

TO

1 THE SESSIONS JUDGE
SPECIAL COURT FOR SC & ST (POA) ACT
AND ADDITIONAL DISTRICT AND SESSIONS JUDGE (FAC),
NAMAKKAL.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

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3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
NAMAKKAL POLICE STATION,
NAMAKKAL.

C.C. to M/S.B.M.SUBASH Advocate on payment of necessary charges

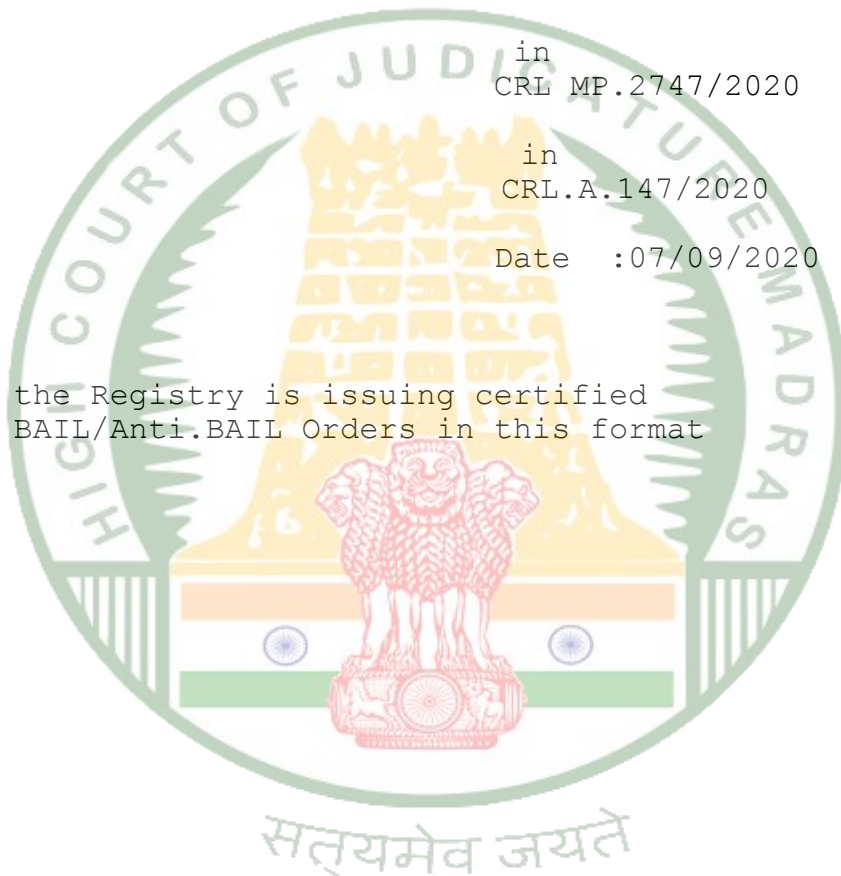
Order

in
CRL MP.2747/2020

in
CRL.A.147/2020

Date :07/09/2020

From 7.2.2001 the Registry is issuing certified
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cs 07/09/2020



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