

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH

and

The Hon'ble Mr. Justice D.KRISHNAKUMAR

CRL.MP. No.2958 of 2020

in CRL.A.No.155 of 2020

Arumugam

... Petitioner

-vs-

State Represented by
The Inspector Of Police
Kondalampatty Police Station
Salem District.

... Respondent

Criminal Miscellaneous Petition filed under Section 389(1) of Criminal Procedure Code, to suspend the sentence imposed by the III Additional District Judge, Salem in S.C.No.179 of 2016 dated 30.07.2019 against the petitioner and enlarge the petitioner on bail.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Ms.M.Prabhavathi,
Addl. Public Prosecutor

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner has been arrayed as A2 in S.C.No.179 of 2016 on the file of the III Additional District Judge, Salem. The trial Court by judgment dated 30.07.2019, convicted the petitioner for the offence punishable under Section 201 r/w 302 IPC and sentence him to undergo five year rigorous imprisonment and to pay a fine of Rs.2,000/- in default, to undergo two months rigorous imprisonment. Seeking to suspend the sentence, the present petition has been filed.

2. The specific charge as against this petitioner is concerned, he aided the main accused in disposing of the body of the deceased. A charge under Section 302 IPC has been framed against the petitioner and he has been convicted accordingly.

3. The learned counsel appearing for the petitioner submits that the very charge itself is for disposal of the body of the deceased. The petitioner has been under incarceration for nearly one year. Hence, the case against the petitioner stands on a different footing.

4. The learned Additional Public Prosecutor appearing for the State submits that inasmuch as the petitioner has been convicted for the offence under Section 201 r/w 302 IPC, this petition will have to be dismissed.

5. As rightly submitted by the learned counsel appearing for the petitioner, the charge against the petitioner is different. It is not, as if, the petitioner is involved in the major offence punishable under Section 302 IPC. On the contrary, it is only to the effect that this petitioner along with the other accused disposed the body of the deceased, attracting the punishment for the offence under Section 201 IPC and he is under incarceration for more than 11 months.

6. In the light of the above, we are inclined to suspend the sentence. Accordingly, the substantive sentence of imprisonment alone is suspended on condition that the petitioner executes his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the The Superintendent, Central Prison, Coimbatore, and on further condition that he shall report before the concerned Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-

29/06/2020

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 III ADDITIONAL DISTRICT JUDGE,
SALEM.

2 THE INSPECTOR OF POLICE,
KONDALAMPATTY POLICE STATION,
SALEM DISTRICT.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

C.C. to M/S. R.SANKARASUBBU Advocate on payment of necessary charges

Order

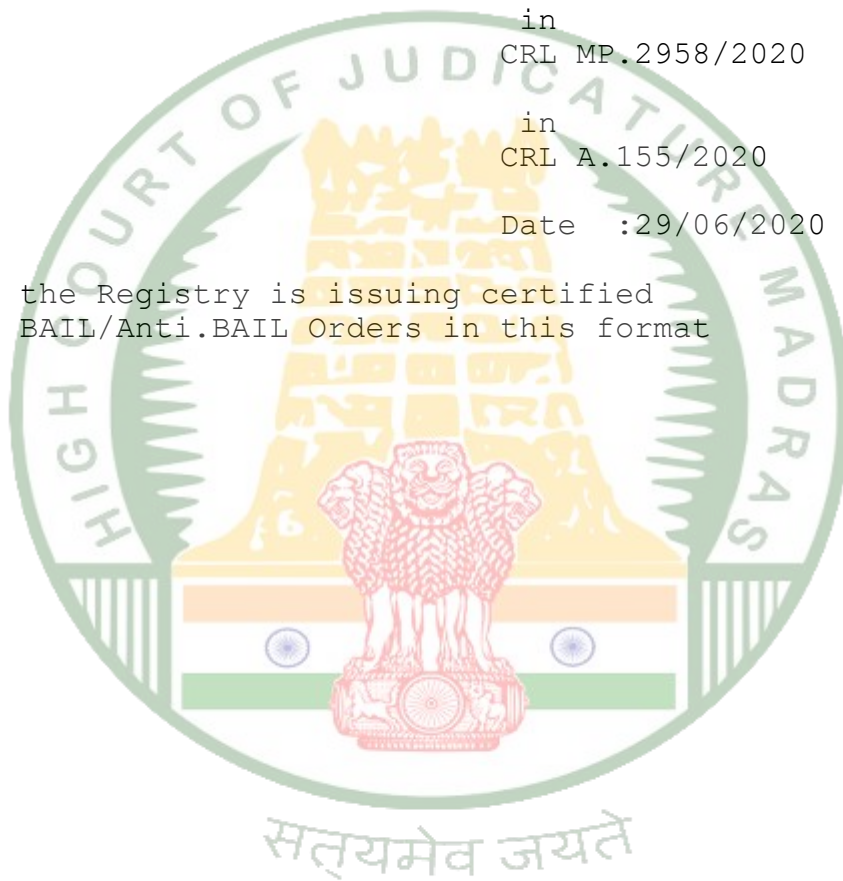
in
CRL MP.2958/2020

in
CRL A.155/2020

Date :29/06/2020

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