

In the High Court of Judicature at Madras

Dated : 08.6.2020

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

And

The Honourable Mrs.Justice PUSHPA SATHYANARAYANA

Crl.M.P.No.3990 of 2020 in Crl.A.No.881 of 2019

1.Premkumar
2.Mathivannan

...Petitioners

Vs

State rep.by
The Inspector of Police,
Pollachi West Police Station,
Coimbatore District.

...Respondent

APPEAL under Section 374(2) of the Criminal Procedure Code to set aside the judgment dated 28.11.2019 made in S.C.No.120 of 2015 on the file of the learned Fifth Additional District and Sessions Judge, Coimbatore.

PETITION under Section 389(1) of the Criminal Procedure Code to suspend the sentence against the petitioners imposed in the judgment dated 28.11.2019 made in S.C.No.120 of 2015 on the file of the learned First Additional District and Sessions Judge, Coimbatore and enlarge the petitioners on bail pending the appeal.

For Petitioners : Mr.S.N.Arunkumar

For State : Ms.Prabhavathi Ram, APP

ORDER

(Order of the Court was made T.S.SIVAGNANAM, J.)

We have heard Mr.S.N.Arunkumar, learned counsel for the petitioners and Ms.Prabhavathi Ram, learned Additional Public Prosecutor appearing for the State.

2. The petitioners are A2 and A3 in S.C.No.120 of 2015 on the file of the V Additional District and Sessions Court, Coimbatore. The petitioners along with A1 were convicted under Sections 342 and 302 read with Section 34 of the Indian Penal Code. A separate appeal in Crl.A.No.906 of 2019 has been filed by A1 namely one Mr.Suba (a) Subhakar and in that appeal, he filed a petition in Crl.M.P.No.18879 of 2019 to suspend the sentence. The Hon'ble Division Bench of this Court, by order dated 18.3.2020, suspended the sentence and directed the first accused to be released on bail, however, subject to conditions.

3. After elaborately hearing the learned counsel for the petitioners and the learned Additional Public Prosecutor, we find that the present case is no different from the case of the first accused in S.C.No.120 of 2015. The Hon'ble Division Bench had also taken note of the arguments that the conviction and sentence of the accused were solely based on the evidence of the Village Administrative Officer and the Investigating Officer concerned. Thus, we are satisfied that the substantive sentence of imprisonment imposed on the petitioners can be suspended, however, subject to conditions.

4. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are directed to be released on bail on each of them executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate-2, Pollachi, and on further condition that they shall stay at Mettupalayam and report before the Judicial Magistrate, Mettupalayam, once in two weeks on Monday until further orders.

-sd/-
08/06/2020

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

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

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TO

1 THE I ADDITIONAL DISTRICT
AND SESSIONS JUDGE, COIMBATORE.

2 THE V ADDITIONAL DISTRICT
AND SESSIONS JUDGE, COIMBATORE.

3 THE JUDICIAL MAGISTRATE,
NO.2, POLLACHI.

4 THE JUDICIAL MAGISTRATE,
METTUPALAYAM,

5 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

7 THE INSPECTOR OF POLICE,
POLLACHI WEST POLICE STATION,
COIMBATORE DISTRICT.

8 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

C.C. to MR.S.N.ARUNKUMAR, Advocate on payment of necessary
charges

Order

in
CRL MP.3990/2020

in
CRL A.881/2019

Date :08/06/2020

From 7.2.2001 the Registry is issuing certified
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TA-11/06/2020

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