

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.M.P.No.14932 of 2019

in

Crl.A.No.247 of 2017

Chandrasekaran @ Chandrakesan .. Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Kumarapalayam Women Police Station,
Namakkal District.
(Crime No.4 of 2011) .. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed on the petitioner by judgment and order dated 14.03.2017 passed in S.C.No.78 of 2011 on the file of the Sessions Court, Namakkal and to enlarge the petitioner on bail till the disposal of the appeal.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mrs.P.Kritika Kamal
Government Advocate (Crl. Side)

O R D E R

This case is taken up through video conferencing.

2. This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment and order dated 14.03.2017 passed in S.C.No.78 of 2011 on the file of the Additional District and Sessions Court, Namakkal and to enlarge the petitioner on bail till the disposal of the appeal.

3. The petitioner, who was one of the accused in S.C.No. 78 of 2011 before the Additional District and Sessions Court, Namakkal, was convicted of the offence under Sections 395 and 450 r/w 34 IPC and sentenced as follows:

S.No.	Provision under which convicted	Sentence
1	Section 395 IPC	Ten years rigorous imprisonment and fine of Rs.1,000/-, in default to undergo six months rigorous imprisonment.
2	Section 450 r/w 34 IPC	Ten years rigorous imprisonment and fine of Rs.1,000/-, in default to undergo six months rigorous imprisonment.

The aforesaid sentences were ordered to run concurrently.

4. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No.247 of 2017 along with the instant miscellaneous petition seeking suspension of sentence and bail.

5. Heard Mr.C.Prabakaran, learned counsel for the petitioner and Mrs.P.Kritika Kamal, learned Government Advocate (Crl.Side) appearing for the respondent/State.

6. It is seen that the co-accused Chennakrishnan and Suresh, who were convicted and sentenced along with the petitioner herein, were released on bail vide orders dated 22.06.2018 and 19.11.2018 in Crl.M.P.Nos.6538 & 9452 of 2018, respectively, in Crl.A.No.196 of 2017. It is stated that the petitioner is suffering from some heart ailment and is taking treatment in the hospital in prison.

7. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioner has been in incarceration from the date of judgment viz., 14.03.2017. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

8. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) The petitioner shall execute 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 Judicial Magistrate Court, Thiruchengode;
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and

(iii) The petitioner 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, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

-sd/-

15/09/2020

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 SESSIONS JUDGE
NAMAKKAL

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL[FOR INFORMATION]

3 THE JUDICIAL MAGISTRATE,
THIRUCHENGODE

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
KUMARAPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

+1C.C. to M/S.C.PRABAKARAN Advocate on payment of necessary charges sr no.6266

Order

in
CRL MP.14932/2019

in
CRL A.247/2017

Date :15/09/2020

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