

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Sixth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.17686 of 2019

IN CRL.A.NO.825 OF 2019

MANOHARAN

[PETITIONER]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
BURGUR POLICE STATION,
KRISHNAGIRI DISTRICT.
CR.NO.68/2012.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.825/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed against the petitioner in S.C.No.43/2018 on the file of the Learned Sessions Judge, FTC, Magaleer Neethi Mandram, Krishnagiri, Kirshnagiri District dated 11.11.2019 and enlarge the petitioners on bail pending disposal.[CRL.MP.NO.17686/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Criminal Appeal No.825/2019 on the file of the High Court and upon hearing the arguments of M/S.E.KANNADASAN, Advocate for the petitioner and of MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioner / appellant / A-1 faced trial in S.C.No.43 of 2018 on the file of learned Sessions Judge, Fast Track Court, Magalir Neethimandram, Krishnagiri. Under judgment dated 11.11.2019, the trial Court convicted the petitioner / appellant / A-1 for the offence under Section 306 IPC and sentenced him to undergo seven years Rigorous Imprisonment and to pay a fine of Rs.20,000/-, in default, to undergo nine months Rigorous Imprisonment. As against the aforesaid conviction and sentence, the petitioner has filed this Criminal Appeal along with the petition seeking suspension of sentence.

2. The learned counsel for the petitioner submitted that the amount of fine as directed by the Court below in its judgment has been paid by the petitioner. He further submitted 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. He also submitted 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 consideration the submissions of learned counsel for petitioner, this Court is of the view that the petitioner herein may be granted the relief of suspension of sentence. 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 directed to 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 learned Judicial Magistrate, Krishnagiri;
- b) The Petitioner/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.
- c) The Petitioner/Accused shall appear before the Trial Court at 10.30 a.m. on the first working day of every English Calender Month, until the disposal of the Criminal 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/-

26/02/2020

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 JUDICIAL MAGISTRATE,
KRISHNAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE
<https://hcservices.ecourts.gov.in/hcservices/>
KRISHNAGIRI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BURGUR POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE SESSIONS JUDGE
FAST TRACK COURT,
MAGALIR NEETHIMANDRAM
KRISHNAGIRI

6 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

+1 C.C. to M/S.E.KANNADASAN Advocate on payment of necessary
charges SR.NO. 3830

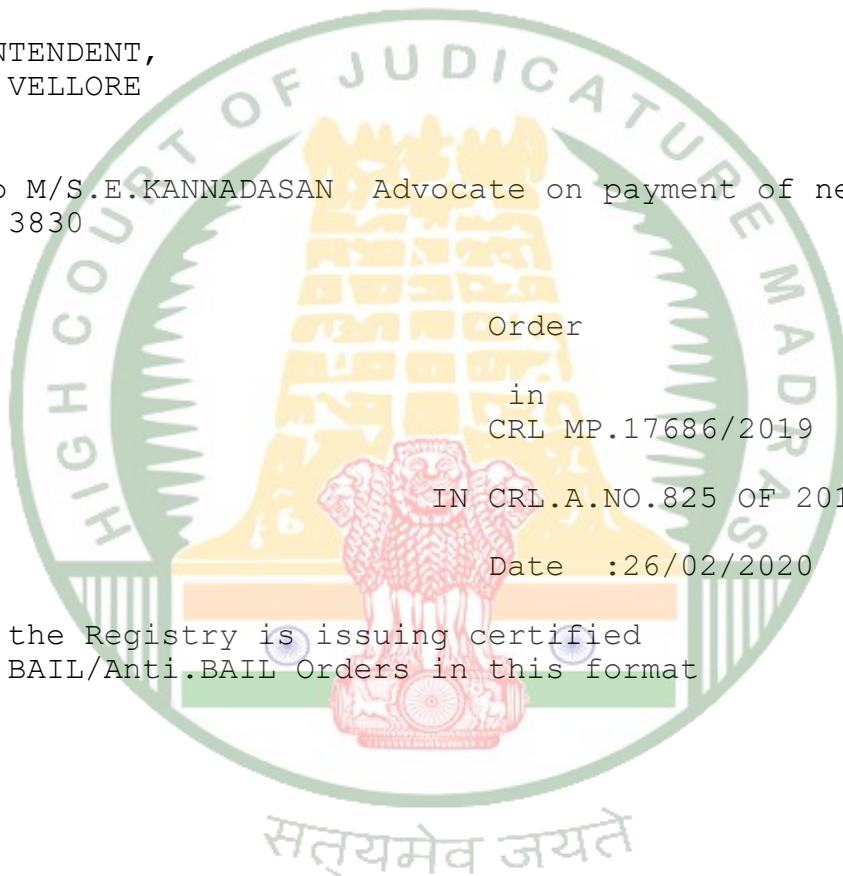
Order

in
CRL MP.17686/2019

IN CRL.A.NO.825 OF 2019

Date :26/02/2020

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 28/02/2020



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