

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Fourth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.17855 of 2019

in CRL.A.NO.832 2019

SATHISH @ SATHISH KUMAR

[PETITIONER]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
VIRINJIPURAM POLICE STATION,
VELLORE DISTRICT,
(CRIME NO.227/2018).

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.832 of 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.105/2019 on the file of the Learned Additional District Court (Fast Track Court), Vellore, Vellore District dated 30.09.2019 and enlarge the petitioner on bail pending disposal of the Crl.A.832 of 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.832 of 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, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioner faced trial in S.C.No.105 of 2019 on the file of the Additional District Court, (Fast Track Court), Vellore, Vellore District. By judgment, dated 30.09.2019, the trial Court found the petitioner guilty under Sections 304(2) and 326(2 counts) IPC and sentenced him to undergo Rigorous imprisonment for a period of seven years and to pay a fine of Rs.1000/-, in default to undergo rigorous imprisonment for six months in respect of the offence u/s.304(2) IPC and sentenced him to undergo rigorous imprisonment for 7 years each and to pay a fine of Rs.1,000/- each in default to undergo rigorous imprisonment for six months in respect of the offence under Section 326(2 counts) IPC. Aggrieved over the same, the petitioner has come up with this Criminal Appeal along with the present petition seeking

suspension of sentence.

2.It is submitted by the learned counsel for the petitioner/accused 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 submitted that there are arguable points available in this Criminal Revision Case, 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 the learned Additional Public Prosecutor appearing for the State on the submissions made by the learned counsel for the petitioner.

4.Considering the facts and circumstances of the case and taking into account the submissions made by the learned counsel on either side, this Court is of the view that the petitioner herein can be granted the relief of suspension of sentence.

5.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's Court No.IV, Vellore;
- 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; and
- c) The Petitioner/ Accused shall stay at Madurai and report before the Inspector of Police, Anna Nagar Police Station, Madurai daily at 10:30 a.m. until further orders.
- d)On the failure of the petitioner/accused to comply with the aforesaid condition, it is open to the trial court to commit the petitioner/accused into custody for undergoing the sentence period.

-sd/-

24/02/2020

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 COURT,
NO.IV, VELLORE

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VIRINJIPURAM POLICE STATION,
VELLORE DISTRICT.

5 THE ADDITIONAL DISTRICT COURT
(FAST TRACK COURT), VELLORE, VELLORE
DISTRICT.

6 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

7 THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION, MADURAI

C.C. to M/S. E.KANNADASAN Advocate on payment of necessary
charges Sr.3661

Order

in
CRL MP.17855/2019

in CRL.A.NO.832 2019

Date :24/02/2020

From 7.2.2001 the Registry is issuing certified
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RVR 27/02/2020