



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Thirteenth day of January Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.18101 of 2019

IN CRL.A.NO.840 OF 2019

G.SAKTHIVEL

[PETITIONER / APPELLANT /
ACCUSED]

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
KRISHNAGIRI TALUK POLICE STATION,
(CRIME NO.477/2017).

[RESPONDENT / RESPONDENT /
COMPLAINANT]

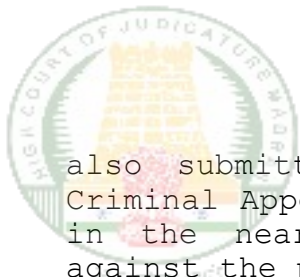
Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.840/2019 on the file of the High Court, the High Court will be pleased to pass an order suspending the sentence imposed on the petitioner in S.C.No.103/2018 dated 04.09.2019 passed by the Learned Principal Sessions Judge, Krishnagiri and enlarge him on bail.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.840/2019 on the file of the High Court and upon hearing the arguments of M/S.S.GAJAPATHI KRISHNAN, 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 herein is the first accused in S.C.No.103 of 2018 on the file of the learned Principal Sessions Judge, Krishnagiri. By judgment dated 04.09.2019, the Principal Sessions Judge convicted him under Section 353 IPC and sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for three months and also convicted him under Section 379 IPC r/w 21(1)(iv) of MM(D&R)Act and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.5,000/- in default to undergo 6 months simple imprisonment.

2.As against the aforesaid conviction and sentence, the petitioner has filed this Criminal Appeal along with the petition seeking suspension of sentence.

3.It is submitted by the learned counsel for the petitioner / accused that the amount of fine had already been paid, as directed by the Sessions Court in its judgment. The learned counsel 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. The learned counsel



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.

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4. Heard the learned Additional Public Prosecutor appearing for the State on the submissions made by the learned counsel for the petitioner.

5. Considering the facts and circumstances of the case and also taking into consideration the submission of 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.

6. 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 Government servant, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Krishnagiri;
- b) The Petitioner/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the 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 every Monday at 10.30 a.m. until further orders.

-sd/-
13/01/2020

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 PRINCIPAL SESSIONS JUDGE
KRISHNAGIRI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KRISHNAGIRI TALUK POLICE STATION.

+1 C.C. to M/S.S.GAJAPATHI KRISHNAN Advocate on payment of
necessary charges SR.No.773

Order

in
CRL MP.18101/2019

in
CRL.A.840/2019

Date :13/01/2020

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
cs 22/01/2020