

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH

and

The Hon'ble Mr. Justice D.KRISHNAKUMAR

CRL MP No. 19324 of 2019

in Crl.A No.928 of 2019

Naga @ Nagappa

... Petitioner

vs

State through
The Inspector of Police,
Thali Police Station,
Krishnagiri District.

... Respondent

Petition filed under Sections 389(1) r /w 439 Cr.P.C to suspend the sentence imposed on the petitioner in S.C.No. 4 of 2005 dated 26.03.2019 passed by the learned Sessions Court for exclusive trial of Bomb Blast Cases, Chennai at Poonamallee and enlarge the petitioner on bail.

For Petitioner .. Mr.T.Naveen Chandar

For Respondent .. Mr.K.Prabhakar,
Addl. Public Prosecutor

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner has been arrayed as A6 among the other accused in S.C.No. 4 of 2005 on the file of the Sessions Court for exclusive trial of Bomb Blast Cases, Chennai at Poonamallee. Accordingly, he was convicted for the offence punishable under Section 120-B r/w 302 IPC, 148, 302 IPC and Section 27 of the Indian Arms Act along with Section 25(1)(b)(a) of the aforesaid enactment by judgment dated 26.03.2019. For the offence punishable under Section 120 B r/w 302 IPC, the petitioner was sentenced to undergo life imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo six months simple imprisonment, for the offence punishable under Section 148 IPC, the petitioner was sentenced to undergo two years simple imprisonment and to pay a fine of Rs.500/-, in default, to undergo three months simple imprisonment, for the offence punishable under Section 302 IPC, the petitioner was sentenced to undergo life imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo six months simple imprisonment, for the offence punishable under Section 27 of the Indian Arms Act, the petitioner was sentenced to undergo five years simple imprisonment and to pay a fine of Rs.1,000/-, in default, to

undergo six months simple imprisonment and for the offence punishable under Section 25(1)(b)(a) of the Indian Arms Act, the petitioner was sentenced to undergo two years simple imprisonment and to pay a fine of Rs.500/-, in default, to undergo three months simple imprisonment. Seeking suspension of sentence, the present petition has been filed.

2.The case of the prosecution is that the accused persons after failing an earlier attempt, attacked the deceased with a country made gun and knife and committed the offence.

3.Learned counsel appearing for the petitioner submitted that there are arguable points available in the appeal apart from the same, as of now, the petitioner has been under incarceration for about 6 years, 5 months and 6 days.

4.Learned Additional Public Prosecutor appearing for the State while not disputing the period of incarceration qua the petitioner submitted that considering the nature of offence committed by the petitioner along with the other accuse, no indulgence need to be shown.

5.Though the petitioner was involved in the earlier case which pertains to the very same deceased in the present case, we do find that the petitioner is entitled for grant of suspension of sentence especially when he has already undergone incarceration for 6 years and 5 months. There is no other case in which the petitioner is stated to be involved other than the one involving the offence punishable under Section 307 IPC in Cr.No.122 of 2019 as against the very same deceased. Learned counsel also submitted that the petitioner is hard of hearing. Thus, considering the above, we are inclined to suspend the sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended on condition that the petitioner executes 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 learned Sessions Court for exclusive trial of Bomb Blast Cases, Chennai at Poonamallee and on further condition that he shall report before the concerned Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-

21/12/2020

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 SESSSIONS COURT FOR
EXCLUSIVE TRIAL OF BOMB BLAST CASES,
CHENNAI AT POONAMALLEE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

C.C. to M/S. T.NAVEEN CHANDAR Advocate on payment of necessary
charges SR.8473

Order

in
CRL MP No. 19324 of 2019

in Cr1.A No.928 of 2019

Date :21/12/2020

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

RVR 22/12/2020