

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Second day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

and

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL MISCELLANEOUS PETITION NO.2506 OF 2021

IN CRL.A.NO.885 OF 2019

SRIDHAR @ PERIYAKUNJAAN [PETITIONER / APPELLANT / ACCUSED]

Vs

STATE REPRESENTED BY [RESPONDENT]
THE INSPECTOR OF POLICE,
KARAMADAI POLICE STATION,
COIMBATORE
CRIME NO.84/2013.

Petition praying that in the circumstances stated therein the High Court will be pleased to suspend the sentence of life imprisonment imposed on him under section 302 of IPC passed by the learned Second Additional Sessions Judge, Coimbatore in SC.No.84/2014 vide Judgement dated on 28.11.2017 and enlarging him on bail pending disposal of the CRL.A.NO.885 OF 2019 [IN CRL.MP.NO.2506 OF 2021]

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.A.ABDUL LATHIF, Advocate for the petitioner and of MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

(Order of the Court was made by V.SIVAGNANAM, J.)

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment and order dated 28.11.2017 passed in S.C.No.84 of 2014 on the file of the IV Additional District and Sessions Court, Coimbatore and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner, who was an accused in S.C.No.84 of 2014 before the IV Additional District and Sessions Court, Coimbatore, was convicted of the offence under Section 302 IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.10,000/-, in default to undergo two months simple imprisonment.

3. Challenging the above conviction and sentence, the petitioner has preferred Crl.A.No.885 of 2019 along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.A.Abdul Lathif, learned counsel for the petitioner and Mr.K.Prabakar, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that on 28.03.2013 around 01.15 a.m., when the petitioner attempted to break open the Beeda shop at Aranganathar Kovil Road, one Subramani (PW3) raised an alarm to stop him and so, the petitioner attacked Subramani (PW3) on his head with a stone; while escaping from the scene of occurrence, the petitioner also stabbed the deceased Pacchakaran in his neck and abdomen, as he tried to catch hold of the petitioner.

6. The learned counsel for the petitioner submitted that there is no evidence to support the prosecution case and to connect the petitioner with the crime. He further submitted that the petitioner has been under incarceration since 28.11.2017 and pleaded to grant suspension of sentence and bail to the petitioner.

7. The learned Additional Public Prosecutor strongly opposed for the grant of suspension of sentence and bail to the petitioner by stating that there are sufficient and prima facie evidence available against the petitioner.

8. We have considered the submissions made by the learned counsel on both sides and perused the records.

9. It is a case of burglary and murder. While perusing the records, it is seen that there are three eye witnesses in this case, viz., Subramani (PW3), injured eye witness and workman in a cloth shop in the market place, Devaraj (PW4), Watchman in the market place and Sivaraj (PW6), workman in a banana leaf shop in the market place, who were at the scene of occurrence and also identified the petitioner in person in the Test Identification Parade.

10. In such view of the matter, we are not inclined to grant suspension of sentence and bail to the petitioner. Hence, this criminal miscellaneous petition is dismissed. The Registry is directed to call for the records, prepare the typed set of papers and post the main appeal in the last week of March 2021.

-sd/-
02/03/2021

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 SECOND ADDITIONAL SESSIONS JUDGE,
COIMBATORE.

2 THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE,
COIMBATORE.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KARAMADAI POLICE STATION,
COIMBATORE.

COPY TO:
THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

C.C. to M/S.A.ABDUL LATHIF Advocate on payment of necessary charges

Order

in
CRL.MP.2506/2021

in
CRL.A.NO.885/2019

Date :02/03/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
<https://hcservices.ecourts.gov.in/hcservices/>
MK:10/03/2021