

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Nineteenth day of January 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.4455 OF 2020

IN CRL.A.NO.277 OF 2020

TAMILARASU

[PETITIONER / APPELLANT]

Vs

STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
KANTHIKUPPAM POLICE STATION,
KRISHNAGIRI DISTRICT
(CRIME NO.227 OF 2013).

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.277 OF 2020 on the file of the High Court, the High Court will be pleased to suspend the sentence and grant bail to the petitioner/appellant for the conviction and sentence imposed in S.C.No.118 of 2015 dated 27.01.2020 on the file of the Additional District and Sessions Judge, Krishnagiri, pending disposal of the above said CRL.A.NO.277 OF 2020 [IN CRL.MP.NO.4455 OF 2020]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.277 OF 2020 on the file of the High Court, and upon hearing the arguments of M/S. K.GANDHI KUMAR, 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.)

Seeking to suspend the sentence imposed against the petitioner by judgment dated 27.01.2020 in S.C.No.118 of 2015 on the file of the Additional District and Sessions Judge, Krishnagiri, the present petition has been filed.

2.It is the case of the prosecution that the petitioner has been arrayed as A2 and he along with A1 murdered the driver of the lorry, stolen the iron pipes along with the lorry and sold the same to A3.

3.We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

4.The prosecution case rests upon the circumstantial evidence, confession statement given by A1 and A2 and the judicial confession given by A3. The evidence of A3 is the linking evidence to connect A2 with the crime. In his confession, A3 had stated that the iron pipes were brought by A1 and A2 to his shop and he has also identified the stolen property. Apart from that, A3 gave a judicial confession before the Judicial Magistrate to the effect that A1 and A2 sold the stolen property to him, which is the linking evidence.

5.We are of the view that suspension of sentence is not a routine and mechanical one and considering the grave nature of the offence, it is not feasible to grant the bail and suspend the sentence. We do not find any merit in this petition and the same stands dismissed.

-sd/-

19/01/2021

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 ADDITIONAL DISTRICT AND SESSIONS JUDGE,
KRISHNAGIRI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANTHIKUPPAM POLICE STATION,
KRISHNAGIRI DISTRICT

WEB COPY

C.C. to M/S. K.GANDHI KUMAR Advocate on payment of necessary charges

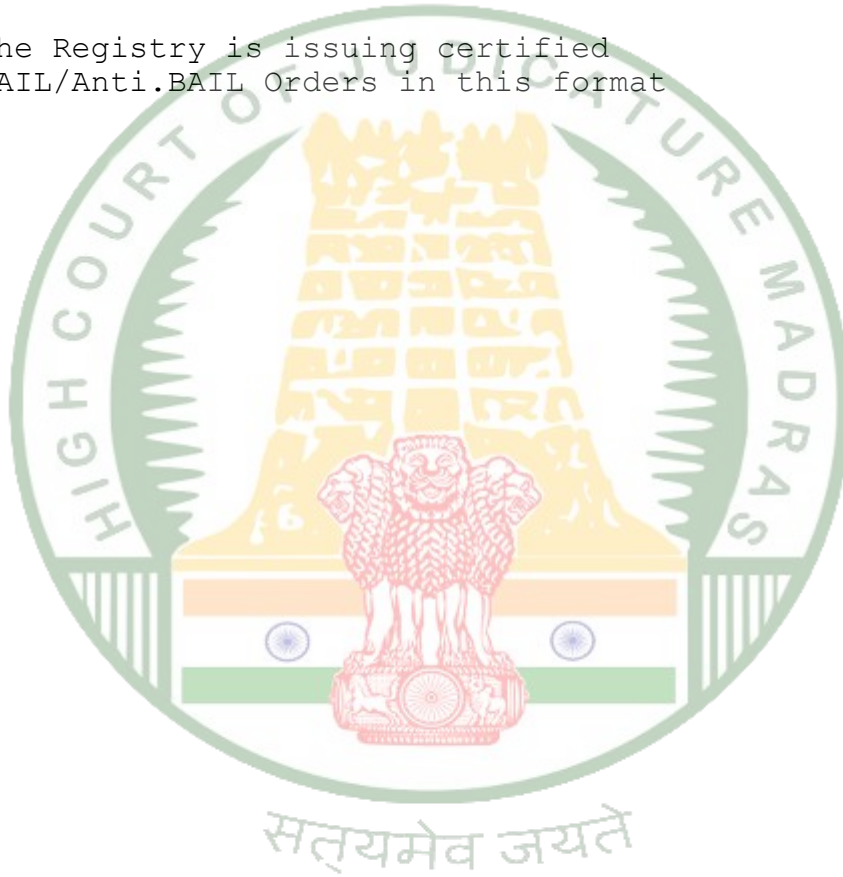
Order

in
CRL.MP.NO.4455/2020
in
CRL.A.NO.277/2020

Date :19/01/2021

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

MK:25/01/2021



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