



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.12941 of 2021

IN CRL.R.C.No.962 of 2021

NISHAR @ ARATH NISHAR

[PETITIONER]

Vs

THE STATE OF TAMILNADU REP BY
THE INSPECTOR OF POLICE,
D-4, KUNIAMUTHUR POLICE STATION,
COIMBATORE DISTRICT
CRIME NO.460 OF 2015

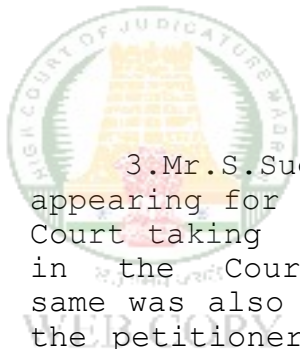
[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioner/appellant in C.C.NO. 947 of 2017 dated 19.11.2018 on the file of the Learned Judicial Magistrate No.VII Coimbatore as confirmed by the Judgment of the Learned V Additional District and Sessions Judge, Coimbatore in C.A.No.551 of 2018 dated 08.01.2021 and thus render justice.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.M.N.BALAKRISHNAN, Advocate for the Petitioner and of MR.S.SUGENDRAN, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This criminal miscellaneous petition has been filed by the petitioner seeking suspension of sentence imposed by the order dated 19.11.2018 in C.C.No.947 of 2017 and confirmed by the judgment dated 08.01.2021 in C.A.No.551 of 2018 by the learned V Additional District and Sessions Judge.

2.The learned counsel for the petitioner would submit that the petitioner is A2 in this case. Though as per the prosecution, the petitioner is a stranger to the defacto complainant and the other witnesses, no test identification parade was conducted.



3.Mr.S.Sugendran, learned Government Advocate (Crl.side) appearing for the respondent would submit that in this case, the Trial Court taking into consideration that the accused was identified in the Court, had convicted the accused and after conviction, the same was also confirmed by the Appellate Court. Apart from this case, the petitioner has got 9 other cases, out of which some are pending for trial and some are pending investigation and thereby he would object for grant suspension of sentence.

4. Taking into consideration of the facts of the case and that the petitioner is also a habitual offender, this Criminal Miscellaneous Petition seeking suspension of sentence is dismissed.

5. List the revision for hearing during the first week of February 2022.

-sd/-
15/12/2021

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 JUDICIAL MAGISTRATE,
NO.III, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION].

3 THE V ADDITIONAL DISTRICT
AND SESSIONS JUDGE, COIMBATORE.

4 THE INSPECTOR OF POLICE,
D-4, KUNIAMUTHUR POLICE STATION,
COIMBATORE DISTRICT

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.



6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary charges.

Order

in
CRL MP.12941/2021
in
CRL RC.962/2021

Date :15/12/2021

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

JPA 17/12/2021