

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2021

CORAM

THE HON'BLE MR. JUSTICE P.N.PRAKASH

AND

THE HON'BLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No. 7711 of 2019

in Crl.A.No. 342 of 2019

Rajasekar

.. Petitioner

Vs

The State by
The Inspector of Police,
Adiyamankottai Station,
Crime No. 309 of 2013.

.. Respondent

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed in the judgment dated 09.04.2019 made in S.C.No. 103 of 2015 on the file of Fast Track Mahila Court, Dharmapuri and release the petitioner on bail pending criminal appeal.

For Petitioner : Mr.A.Nowfal

For Respondent : Mr.K.Prabhakar
Additional Public Prosecutor

ORDER

(Made by P.N.PRAKASH., J)

This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment and order dated 09.04.2019 in S.C.No. 103 of 2015 on the file of Fast Track Mahila Court, Dharmapuri and to enlarge the petitioner on bail till the disposal of the appeal.

2. The petitioner, who was an accused in S.C.No. 103 of 2015 on the file of Fast Track Mahila Court, Dharmapuri, was convicted and sentenced as follows:

S.No.	Provision under which convicted	Sentence
1	Section 302 IPC	Rigorous imprisonment for life and to pay a fine of Rs.5,000/-, in default, to undergo six months simple imprisonment.
2	Section 436 IPC	Three months rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment.
3	Section 3(1) TNPPDL Act	Three years rigorous imprisonment and to pay a fine of Rs.5,000/- in default, to undergo three months simple imprisonment.

The aforesaid sentences were ordered to run concurrently.

3. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No. 342 of 2019 along with the instant miscellaneous petition seeking suspension of sentence and bail.

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

5. It is the case of the prosecution that on 13.11.2013 on account of a land dispute with the deceased, the petitioner is said to have attacked the former with a reaper and caused death. Thereafter, it is stated that he had set fire to the hut.

6. It is seen that the petitioner has been under incarceration from 09.04.2019. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

7. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:-

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of learned Fast Track Mahila Judge, Dharmapuri;

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and

(iii) The petitioner shall appear before the trial Court) everyday at 10.30 a.m. for a period of four weeks and thereafter, the petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

-sd/-

27/01/2021

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 FAST TRACK MAHILA JUDGE,
DHARMAPURI.

2 THE SUPERINTENDENT OF PRISON,
CENTRAL PRISON, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
ADIYAMANKOTTAI STATION.

C.C. to M/S.B.MOHAN Advocate on payment of necessary charges

Order
in
CRL MP.7711/2019
in
CRL A.342/2019
Date :27/01/2021

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TA-29/01/2021

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