



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the First day of September Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice P. VELMURUGAN

CRIMINAL MISCELLANEOUS PETITION No.8601 of 2021

IN CRL.A.No.111 OF 2021

CHINNASAMY

[PETITIONER /APPELLANT/ ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KADATHUR POLICE STATION,
ERODE DISTRICT.
CR.NO.81/2019.

[RESPONDENT / COMPLAINANT]

Petition praying that in the circumstances stated therein the High Court will be pleased to suspend the sentence and enlarge the petitioner on bail in SC No.72 of 2019 on the file of the Learned III Additional District and Sessions Judge, Erode, pending in C.A.No.111 of 2021 on the file of this Hon'ble Court.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S. K.M.SUBHERAMANIAM, 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 is filed to suspend and enlarge the petitioner on bail in S.C.No.72 of 2019 on the file of the learned III-Additional District and Sessions Judge, Erode, pending Crl.A.No.111 of 2021 on the file of this Court.

2.The Trial Court, after completion of trial, convicted the petitioner/ appellant for the offence under Section 304(1) of IPC., and sentenced him to undergo Ten years Rigorous Imprisonment and to pay fine of Rs.1,000/- in default to undergo Six months Simple Imprisonment. Challenging the said Judgment of conviction and sentence of the Trial Court, the present appeal is filed before this Court.



3.The learned counsel for the petitioner/appellant would submit that it is a false case foisted against the petitioner and the eyewitness examined by the prosecution are chance witnesses. It is only based on the extra-Judicial confession made before the Village Administrative Officer, the Trial Court found the petitioner guilty of the offence. There is no evidence to prove the motive of the petitioner to commit the offence. Therefore, the petitioner prays for suspending the sentence imposed by the Trial Court pending the Criminal Appeal.

4.Considering the serious nature of offence said to have been committed by the petitioner/appellant, this Court is not inclined to grant suspension of sentence. Hence, the Criminal Miscellaneous Petition is dismissed.

-sd/-
01/09/2021

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,
ERODE AT GOBICHETTIPALAYAM.

2 STATE REP.BY
THE INSPECTOR OF POLICE, KADATHUR POLICE
STATION, ERODE DISTRICT.CR.NO.81/2019.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.



4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

WEB COPY

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

Order

in
CRL MP.8601/2021
in
CRL.A.NO.111/2021

Date :01/09/2021

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

INBA 24/09/2021