

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

Monday, the Eighth day of March Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA
CRIMINAL MISCELLANEOUS PETITION NO.7537 OF 2020
IN CRL.A.NO.411 OF 2018

PACKIRISAMY @ RAJA

[PETITIONER / APPELLANT]

Vs

STATE BY
INSPECTOR OF POLICE,
T.R.PATTINAM POLICE STATION,
KARAIKAL,
UNION TERRITORY OF PUDUCHERRY.
CR.NO.26/2013.

[RESPONDENT / COMPLAINANT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.411 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the Petitioner/Appellant by the learned Sessions Judge, Karaikal in Special Sessions Case No.07/2016 dated 29.11.2017 and enlarge him on Bail, pending disposal of the above CRL.A.NO.411 OF 2018 [IN CRL.MP.NO.7537 OF 2020]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.411 OF 2018 on the file of the High Court and upon hearing the arguments of MR.KANNAN Advocate for M/S. V.SATHISH, Advocate for the petitioner and of MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

This petition has been filed by the petitioner/appellant to suspend the sentence imposed on the petitioner/appellant by the learned Sessions Judge, Karaikal in Special Sessions Case No.07 of 2016 dated 29.11.2017 and enlarge him on bail, pending disposal of the above Criminal Appeal.

2. The learned Counsel for the petitioner would submit that the petitioner was convicted by the learned Sessions Judge, Karaikal, by order dated 29.11.2017 in Special Sessions Case No.07 of 2016 and sentenced to undergo 10 years Rigorous Imprisonment and to pay a fine of Rs.1,000/- in default to undergo Simple Imprisonment for three Months. He would submit that the petitioner had earlier approached this Court twice seeking for suspension of sentence and this Court vide Crl.M.P.No.9475 of 2018 dated 26.10.2018 and vide Crl.M.P.No.8147 of 2019 dated 01.07.2019 had dismissed the applications for suspension of sentence. He would submit that the petitioner has been in custody for more than 3 years and thereby, he would seek for bail.

3. The learned Counsel appearing for Public Prosecutor (Pondicherry) would submit that this Court taking into consideration that there are materials against the petitioner, had dismissed the earlier applications on merits by order dated 01.07.2019 and there is no change in circumstances.

4. At this juncture, the learned Counsel for the petitioner would submit that in such circumstances, a date may be fixed for final hearing of the appeal itself.

5. This Court taking into consideration of the statement recorded from the victim girl under Section 164 Cr.P.C., had dismissed the earlier applications for suspension of sentence and it is stated that the petitioner is inside the prison for more than 3 years. This Court is of the opinion that it is not a fit case for grant of bail.

6. Accordingly, this Criminal Miscellaneous Petition stands dismissed.

7. However, a direction is issued to the Registry to prepare the records and post the main Appeal in Crl.A.No.411 of 2018 for final hearing on 14.06.2021.

-sd/-

08/03/2021

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 SESSIONS JUDGE,
KARAIKAL.

2 THE PUBLIC PROSECUTOR
PUDUCHERRY.

3 THE OFFICER INCHARGE,
SUB-JAIL, KARAIKAL.

4 THE INSPECTOR OF POLICE,
T.R.PATTINAM POLICE STATION,
KARAIKAL,
UNION TERRITORY OF PUDUCHERRY.

C.C. to M/S. V.SATHISH Advocate on payment of necessary
charges

Order

in

CRL.MP.NO.7537/2020

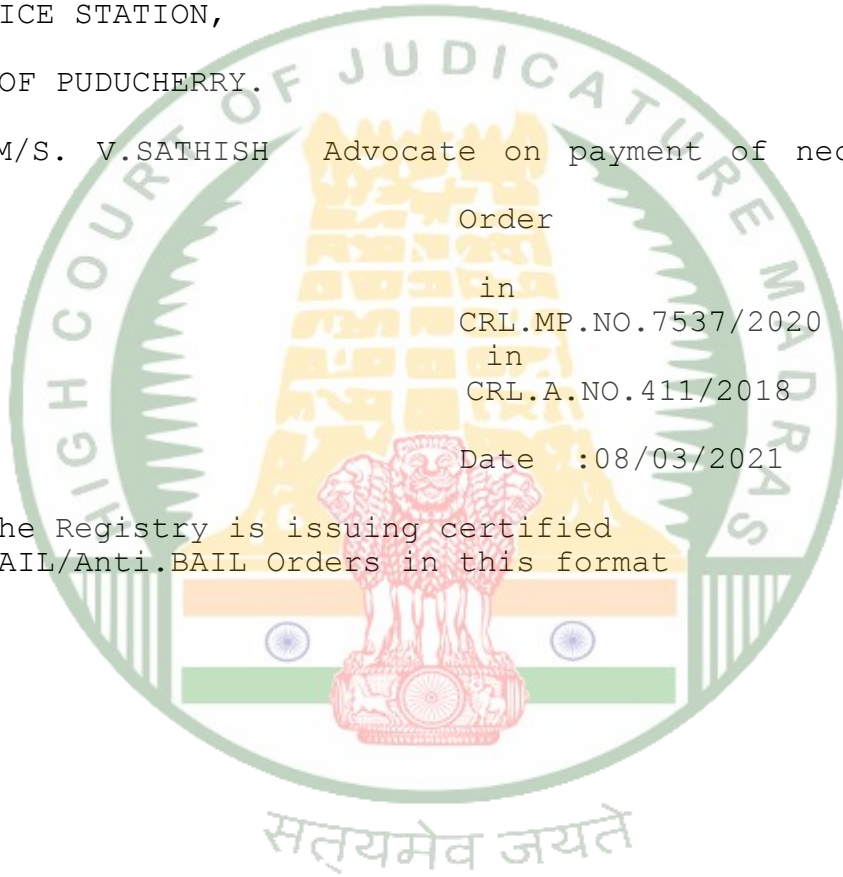
in

CRL.A.NO.411/2018

Date :08/03/2021

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

MK:01/04/2021



WEB COPY