

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eleventh day of February 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.18064 of 2019

IN CRL.A.No.839 of 2019

RAMAN

[APPELLANT / ACCUSED 4]

Vs

STATE REP.BY

[RESPONDENT / COMPLAINANT]

THE INSPECTOR OF POLICE,
PARAMATHI CIRCLE,
NAMAKKAL DISTRICT.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.839/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in the Judgment in order passed by Principal Sessions Court, Namakkal in S.C.No.123 of 2016 vide his order dated 21.08.2019 enlarge the petitioner on bail pending disposal of the above Crl.A.No.839/2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.839/2019 on the file of the High Court and upon hearing the arguments of M/S.DEEPAN UDAY, 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 P.N.PRAKASH,J)

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioners by judgment dated 21.08.2019 passed in S.C.No.123 of 2016 on the file of the Principal Sessions Court, Namakkal and to enlarge the petitioner on bail till the disposal of the appeal.

2. The petitioner, who was the fourth accused in S.C.No.123 of 2016 before the Principal Sessions Court, Namakkal, were convicted and sentenced as follows on 21.08.2019:

Accused	Provision under which convicted	Sentence
Raman (A4)	Section 364-A IPC	Life imprisonment and fine of Rs.2,000/-, in default to undergo four years simple imprisonment.
	Section 394 IPC	Five years rigorous imprisonment and fine of Rs.2,000/-, in default to undergo fifteen months simple imprisonment, each

The aforesaid sentences were ordered to run concurrently.

3. Heard Mr.Deepan Uday, learned counsel for the petitioners and Mr.K.Prabhakar, learned Additional Public Prosecutor appearing for the respondent/State.

4. The learned counsel for the petitioner submitted that the de facto complainant (PW1) had not identified the petitioner during trial.

5. On a perusal of the evidence of the de facto complainant (PW1), it is seen that he was examined-in-chief on 10.10.2017 and was not cross-examined on the same day. However, he was recalled two years later and was cross-examined on 08.08.2019, wherein, he has clearly identified the petitioner herein as person, who had stabbed him.

6. In such view of the matter, this is not a fit case to grant suspension of sentence to the petitioner.

In fine, this criminal miscellaneous petition is dismissed. The Registry is directed to call the records, prepare the typed set of papers and post the main appeal for disposal in the first week of March.

-sd/-
11/02/2021

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 PRINCIPAL SESSIONS JUDGE,
NAMAKKAL

2 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PARAMATHI CIRCLE,
NAMAKKAL DISTRICT.

5 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

C.C. to M/S.DEEPAN UDAY Advocate on payment of necessary charges

Order

in
CRL MP.18064/2019

in
CRL.A.839/2019

Date :11/02/2021

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