

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20..07..2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.8447 of 2022

in

Crl.R.C.No.826 of 2022

1.Sakthivel
2.Senthil Kumar

... Petitioners

-Versus-

State Rep. By
Inspector of Police,
Negamam Police Station,
Coimbatore District.
[Crime No.409 of 2013]

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397(1) of the Code of Criminal Procedure praying to suspend the substantive sentence imposed on the petitioners by the learned Assistant Sessions Judge (Subordinate Judge), Pollachi, by judgment dated 12.10.2018 in S.C.No.73 of 2015 and as confirmed by the learned III Additional District and Sessions Judge, Coimbatore, by judgment dated 08.04.2022 in C.A.No.481 of 2018 and enlarge the petitioners on bail pending disposal of the Criminal Revision Case.

For Revision Petitioners : Mr.A.Ramkumar

For Respondent / State : Mr.S.Vinoth Kumar,
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition is filed seeking to suspend the substantive sentence imposed on the petitioners by the learned Assistant Sessions Judge (Subordinate Judge), Pollachi, by judgment dated 12.10.2018 in S.C.No.73 of 2015 and as confirmed by the learned III Additional District and Sessions Judge, Coimbatore, by judgment dated 08.04.2022 in C.A.No.481 of 2018 and enlarge the petitioners on bail pending disposal of the Criminal Revision Case.

2. Heard both sides.

3. The petitioners were convicted by the trial court for offence under Section 307 of IPC (2 counts) and sentenced to undergo rigorous imprisonment for seven years for each count and to pay a fine of Rs.1000/- for each count in default of payment of fine to suffer simple imprisonment for a further period of six months for each count which was confirmed by the appellate court.

4. The learned counsel for the petitioners would submit that in this case, the ingredients to prove the offence under Section 307 of IPC are not at all made out and both the courts below have erred in convicting the petitioners. He would further submit that the petitioners were under incarceration pending investigation for 77 days and now, they are in prison from 06.06.2022 onwards.

5. The learned Government Advocate (Criminal Side) would submit that in this case, the petitioners did not appear on the date of judgment by the appellate court and thereafter, warrant was issued and they were secured and committed to the prison.

6. Considering the nature of allegations in this case and considering the age of the petitioners and the period of incarceration, I am of the view that this is a fit case for the grant of suspension of sentence pending disposal of the criminal revision petition on the following conditions:-

(a) the petitioners are ordered to be released on bail, on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Trial Court;

(b) the petitioners and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhar Cards or Bank Pass books to ensure their identities;

(c) the petitioners shall appear before the Trial Court on the first working day of every English Calendar Month at 10.30 A.M until the disposal of the Criminal Revision and if they are not able to appear before the Trial Court on any day, they shall make arrangements to file an application under Section 317 of Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of their absence, as directed by the Trial Court.

This Criminal Miscellaneous Petition is ordered accordingly.

-sd/-
20/07/2022

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 III ADDITIONAL DISTRICT AND
SESSIONS JUDGE, COIMBATORE.

2 THE ASSISTANT SESSIONS JUDGE,
(SUBORDINATE JUDGE), POLLACHI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 INSPECTOR OF POLICE
NEGAMAM POLICE STATION,
COIMBATORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.A.RAMKUMAR Advocate on payment of necessary
charges SR.NO. 12010

Order

in
CRL MP.8447/2022

in
CRL RC.826/2022

Date :20/07/2022

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

RW-21/07/2022