



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.8351 of 2021

in

Crl.A.No.393 of 2021

Senthil Kumar @ Kundu Senthil

... Petitioner

Versus

State represented by
Inspector of Police,
Kunnathur Police Station,
Tiruppur District.
Cr.No.113 of 2019.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 397 & 439 of the Cr.P.C., to suspend the sentence imposed on the petitioner in S.C.No.75 of 2019 on the file of the Principal Sessions Judge, Tiruppur by Judgment dated 06.08.2021 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner : Mrs.S.Sumathy

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

ORDER

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed on the petitioner in S.C.No.75 of 2019 on the file of the Principal Sessions Judge, Tiruppur by Judgment dated 06.08.2021 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

2. Heard the learned Counsel for the petitioner and learned Government Advocate (Criminal Side) for the respondent.



3. The learned Counsel for the petitioner would submit that the case of the prosecution is based on the evidence of PW1, PW2 and PW3. Even as per the evidence, PW1, PW2 and PW3 are friends. PW2 and PW3 are said to have caught hold of the petitioner/accused on the spot itself. However, even PW1 has not spoken to about the said fact.

4. The learned counsel for the petitioner would submit that there is prima facie case and he would further submit that the petitioner is under incarceration from 06.08.2021.

5. Per contra, the learned Government Advocate (Crl.Side) would submit that the petitioner was caught red handed and PW1, PW2 and PW3 have deposed before the Trial Court and the Trial Court has rightly convicted and sentenced the petitioner and opposed the prayer of grant of suspension of sentence.

6. I have considered the rival submissions made on either side and perused the materials on record.

7. Considering the submissions made by the learned counsel for the petitioner and the grounds raised in the appeal, for the purpose of prima facie case, I am of the view that this is a fit case for grant of suspension of sentence pending the above revision. Therefore, I am inclined to suspend the sentence and grant bail to the petitioner on the following conditions:-

(a) the petitioner is 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 petitioner 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 petitioner 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 Case 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 of 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.



8. This Criminal Miscellaneous Petition is ordered accordingly.

-sd/-

22/06/2022

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 THE PRINCIPAL SESSIONS JUDGE
TIRUPPUR.

2 THE INSPECTOR OF POLICE,
KUNNATHUR POLICE STATION,
TIRUPPUR DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, TIRUPPUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S.S.SUMATHY Advocate on payment of necessary charges
SR.No.9753

Order
in
CRL MP.8351/2021
in
CRL A.393/2021
Date :22/06/2022

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CSK 23/06/2022