

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice N. AUTHINATHAN

CRIMINAL MISCELLANEOUS PETITION No.11386 of 2017

IN CRL A.578/2017

1 R.RADHKRISHNAN @ GOVINDARAJ	[PETITIONERS / APPELLANTS /
2 BASKAR	ACCUSED]
3 AYYANAR @ BALACHANDER	

Vs

STATE BY	[RESPONDENT / COMPLAINANT]
THE INSPECTOR OF POLICE,	
ADAYAR PROHIBITION ENFORCEMENT WING,	
ADYAR POLICE STATION,	
SASTRI NAGAR,	
CHENNAI-600 090.	
(CR.NO.790 OF 2015).	

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.578/2017 on the file of the High Court, the High Court will be pleased to suspend the execution of sentence dated 09.08.2017 in S.C.No.152 of 2016 passed against the Petitioners/Appellants by the Learned XVI Additional Sessions Judge at Chennai, pending disposal of the above CRL A.578/2017 [IN CRL.MP.NO.11386 OF 2017]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.578/2017 on the file of the High Court and upon hearing the arguments of M/S.K.S.KAVIARASU, Advocate for the petitioner and of MR. K.MATHAN, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

Petitioners are accused in Sessions Case No.152 of 2016 on the file of the XVI Additional Sessions Judge, Chennai.

2. After full trial, the petitioners/A1 to A3 were convicted as under:-

"A1, A2 and A3 are found guilty for the offence under section 4(1-A) TNP Act, read with Rules 6 & 11 of Restricted Spirit Rules 2000, convicted and sentenced to undergo 3 years rigorous imprisonment and to pay a fine of Rs.3000/- each and in default to undergo simple imprisonment for one month. A2 and A3 are found guilty for the

offence under section 4(1)(aaa) TNP Act, convicted and sentenced to undergo 3 years rigorous imprisonment and to pay a fine of Rs.2000/- each and in default to undergo simple imprisonment for one month. All the sentences shall run concurrently."

3. Aggrieved by the conviction and sentence, the petitioners have filed the appeal and pending disposal of the appeal, they have moved the present petition seeking suspension of sentence.

4. Learned counsel appearing for the petitioners would submit that the Trial Court had committed an error in accepting the case of the prosecution when it suffers from several infirmities and it is a fit case for appeal. He would further submit that the petitioners were on bail during trial and the fine amount has already been paid.

5. Mr.K.Mathan, learned Government Advocate (Criminal Side), who takes notice on behalf of the State would submit that the petitioners are facing similar cases. However, he has not raised serious objection in suspending the sentence pending disposal of the criminal appeal.

6. The Trial Court has already suspended the sentence. There is no fear that the petitioners will flee from justice. Therefore, this court is inclined to suspend the sentence. Accordingly, sentenced of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioners are directed to be enlarged on bail on each of them executing a bond for a sum of Rs.10,000/- with two sureties, each for a likesum to the satisfaction of the XVI Additional Sessions Judge, Chennai and on further condition that the petitioners shall report before the respondent police on the first working day of every month, at 10.30 am, until further orders.

-sd/-
08/09/2017

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 XVI ADDITIONAL SESSIONS
JUDGE, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ADAYAR PROHIBITION ENFORCEMENT WING,
ADYAR POLICE STATION,
SASTRI NAGAR, CHENNAI-600 090.

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

Order

in
CRL MP.11386/2017

in
CRL A.578/2017

Date :08/09/2017

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MK:13/09/2017