

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Eighteenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.17330 of 2018

IN CRL A.833/2018

1 VELLAIYAN

2 SANKAR

3 THANGARAJ S/O.PONNUSAMY

4 THANGARAJ S/O.MOOKKAN

5 SRINIVASAN

6 RAVI

7 SEBASTHIYAR

8 SELVARAJ

9 RAJENDRAN

10 JEYARAMAN

11 RAJENDRAN

12 SELVAMANI

13 KANNAN

14 DURAISAMY

15 RAMAR POOSARI

16 NEELAVATHI

17 DHANAM

18 SEKAR

19 SAALAMMAL

20 JOTHI

21 GOPAL

22 VADIVEL

23 SURESH

24 RAMADOSS

25 SENTHIL

26 SURESH

27 BETHAMMAL

28 MANIMEGALAI

29 MOORTHY

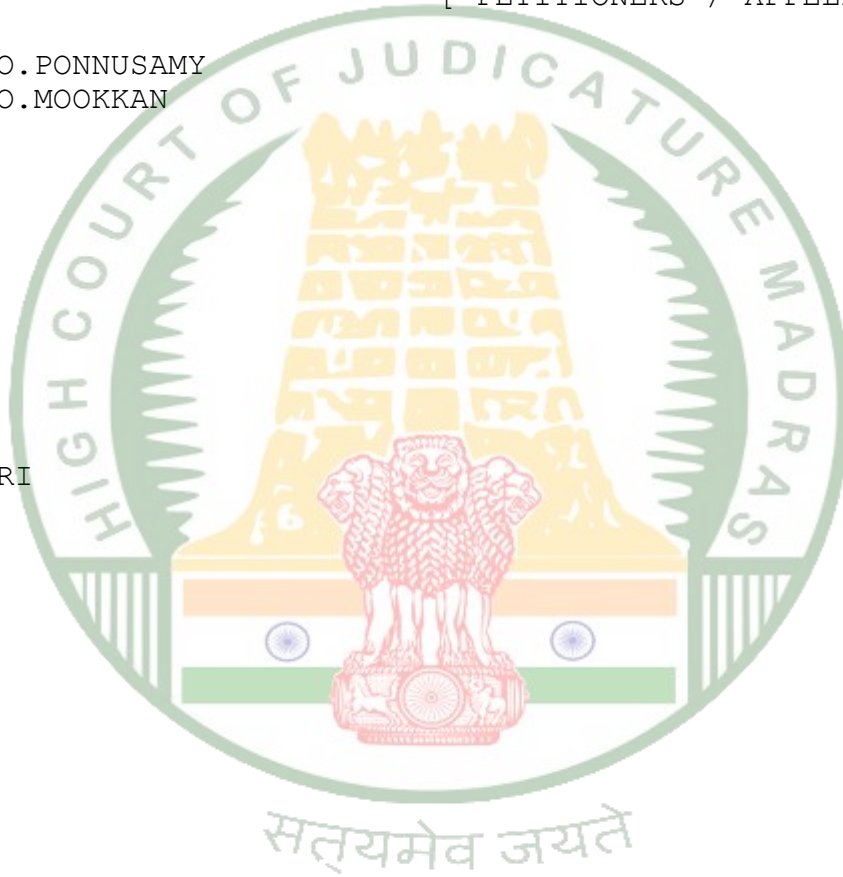
30 JOTHY

31 SELVARANI

32 SEKAR

33 CHINNAPILLAI

[PETITIONERS / APPELLANTS]



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Vs

THE STATE REPRESENTED BY
INSPECTOR OF POLICE,
ARUMBAVUR POLICE STATION,
PERAMBALUR DISTRICT.
CR.NO.190 OF 2012.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.833/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioners by a Judgement dated 30.11.2018 made in SC No.23 of 2018 on the file of Mahila Court, Perambalur and release the petitioners on bail pending disposal of the CRL A.833/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.833/2018 on the file of the High Court and upon hearing the arguments of M/S.C.PRABAKARAN, Advocate for the petitioner and of MR.V.SARATHA DEVI, GOVERNMENT ADVOCATE [CRL.SIDE] on behalf of the Respondent the court made the following order:-

The petitioners are accused in S.C.No.23 of 2018, on the file of the Mahila Court, Perambalur. They were convicted under various provisions of the Indian Penal Code and Tamil Nadu Prevention of Property (Damage and Loss) Act, 1992, by the learned Sessions Judge, Mahila Court, Perambalur. The maximum sentence imposed on them is rigorous imprisonment for one year, with usual default clause. Challenging the said conviction and sentence, the petitioners preferred the above appeal. Pending appeal, they seek for suspension of sentence.

2.Learned counsel for the petitioners would submit that there are several infirmities and inconsistencies found in the prosecution case. It is also contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses.

3.Heard the learned Government Advocate (Criminal Side) on the submissions made by learned counsel for the petitioners.

4.Considering the facts and circumstances of the case and in view of the fact that there are several infirmities in the prosecution case and there are arguable points involved in the appeal, as contended by learned counsel for petitioners, and further the appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioners herein are entitled to the relief of grant of suspension of sentence.

5.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are directed to be enlarged on bail on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Mahila Court,

Perambalur, and on further condition that the petitioners shall appear before the said Court once in a week i.e. on every Monday at 10.30 a.m. pending disposal of appeal.

-sd/-
18/12/2018

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 MAHILA COURT,
PERAMBALUR.

2 THE INSPECTOR OF POLICE,
ARUMBAVUR POLICE STATION,
PERAMBALUR DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S.C.PRABAKARAN Advocate on payment of necessary charges in SR.NO. 24409

Order

in
CRL MP.17330/2018

in
CRL A.833/2018

Date :18/12/2018

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MLT-19/12/2018