



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Fourteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP (MD) No.1083 of 2018
IN
CRL A (MD) No.72 of 2018

DR.MARU.SOMASUNDARAM

... PETITIONER/APPELLANT/SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION,
TIRUCHIRAPPALLI.

... RESPONDENT/RESPONDENT/COMPLAINANT

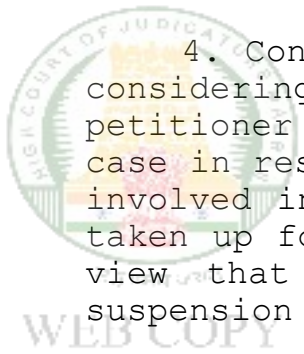
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the operation of the execution of the sentence and conviction passed by the learned Principal Sessions Judge, Trichirappalli dated 13.12.2017 in S.C.No.141 of 2015 and direct to released the accused on bail pending disposal of the appeal and to pass such other order or direction may deem fit and proper in the circumstances of the case and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.BABU RAJENDRAN, Advocate for the petitioner and of MRS.S.BHARATHI, Government Advocate(Crl.Side) on behalf of the Respondent while admitting CRL A the court made the following order:-

It is seen that the petitioner has been convicted by the learned Principal Sessions Judge, Trichirappalli, in S.C.No.141 of 2015, on 13.12.2017, for the offence under Section 3 of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 and sentenced to undergo three years simple imprisonment and to pay a fine of Rs.1,000/- (Rupees One Thousand only), in default, to undergo 12 months simple imprisonment.

2. The learned counsel for the petitioner submitted that the petitioner has paid the fine amount and the Trial Court has suspended the sentence under Section 389(3) Cr.P.C., till 13.02.2018.

3. The learned counsel for the petitioner has raised substantial points in the memorandum of appeal, which require a detailed consideration by this Court.



4. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner that there are several infirmities in the prosecution case in respect of the petitioner and that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Trichy, and on further condition that:

- (i) the petitioner shall deposit Rs.10,000/- (Rupees Ten Thousand only) as ad-interim compensation to the credit of S.C.No.141 of 2015 before the learned Principal Sessions Judge, Trichirappalli at the time of surrender and furnishing sureties.
- (ii) the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (iii) 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 appeal 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 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.

sd/-
14/02/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE PRINCIPAL SESSIONS JUDGE, TRICHIRAPPALLI.

<https://hcservices.ecourts.gov.in/hcservices/>
2 THE JUDICIAL MAGISTRATE NO.II, TRICHY.



3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

4 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

5 THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION, TIRUCHIRAPPALLI.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.BABU RAJENDRAN Advocate SR.No.2431

ORDER
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IN
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Date :14/02/2018

MKV-RR-CSL-SAR 4/14.2.2018/3P-8C