



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

Wednesday, the Seventh day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP (MD) No.1714 of 2018
IN
CRL A (MD) No.112 of 2018

1 THAMILSELVAN
2 DURAIMURUGAN

... PETITIONERS/APPELLANTS

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
THILLAI NAGAR POLICE STATION,
THIRUCHIRAPPALLI DISTRICT.
(CRIME NO.437/2012)

... RESPONDENT/RESPONDENT

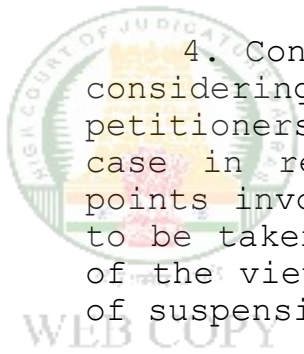
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed on the petitioners by the Principal Sessions Judge, Trichy in S.C.No.81 of 2014 dated 22.02.2018 and release the petitioners on bail pending disposal of the above Criminal Appeal 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.T.SENTHIL KUMAR, Advocate for the petitioners and of MRS.S.BHARATHI, Government Advocate (Crl.side) on behalf of the Respondent the court made the following order:-

The petitioners have been convicted by the learned Principal Sessions Judge, Trichy, in Sessions Case No.81 of 2014 for the offence under Section 3(i) of the 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, by judgment dated 22.02.2018.

2. The learned counsel for the petitioners submitted that the petitioners have paid the fine amount and the Trial Court has suspended the sentence under Section 389(3) Cr.P.C., for a period of two months.

3. The learned counsel for the petitioners 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 petitioners that there are several infirmities in the prosecution case in respect of the petitioners 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 petitioners herein are entitled to the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are ordered to be released on bail on their executing a separate 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.IV, Trichy and on further condition that:

- (i) the petitioners 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.
- (ii) 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 appeal 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 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.

sd/-

07/03/2018

/ TRUE COPY /

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

TO

- 1 THE PRINCIPAL SESSIONS JUDGE, TRICHY.
- 2 THE JUDICIAL MAGISTRATE NO.IV, TRICHY.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 4 THE INSPECTOR OF POLICE,
THILLAI NAGAR POLICE STATION,
THIRUCHIRAPPALLI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.T.SENTHIL KUMAR Advocate SR.No.3620

ORDER IN
CRL MP(MD) No.1714 of 2018 IN
CRL A(MD) No.112 of 2018
Date :07/03/2018