



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

Monday, the Twenty Second day of January Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL MP(MD) No.436 of 2018

IN

CRL A(MD) No.39 of 2018

NATARAJAN,

... PETITIONER/APPELLANT/ACCUSED

Vs

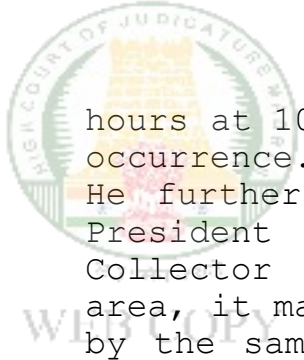
THE STATE REP
THE INSPECTOR OF POLICE,
SEITHUNGANALLUR POLICE STATION,
TUTICORIN DISTRICT.
CRIME NO.231 OF 2015.

... RESPONDENT/RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to pass an order of suspension of sentence and conviction imposed upon the petitioner/appellant u/s.3 (1) of Tamil Nadu Property (Prevention of Damages and Lost) Act, 1992, for 1 year R.I. and also imposed a sum of Rs.22,000/- as fine amount and in default of payment of fine, to undergo 3 months R.I. by the Judgment dated 20.12.2017 by the Learned Principal Sessions Judge, Tuticorin, till the disposal of the above Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.R.ARAVIND RAJ, Advocate for the petitioner and of M/S.PRABHU RAMACHANDRAN, Government Advocate (Crl.side) on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

This criminal appeal has been filed against the Judgment of conviction and sentence passed by the Principal Sessions Judge, Tuticorin, in S.C.No.158 of 2016 dated 20.12.2017. The learned Principal Sessions Judge, Tuticorin, has convicted the petitioner/appellant herein, under Section 3 (1) of TNPPDL Act and sentenced to undergo one year rigorous imprisonment and also to pay a fine of Rs.22,000/- in default to undergo further period of three months rigorous imprisonment.



hours at 10.00 pm., at that time, there was no light in the scene of occurrence. So, P.W.2 and P.W.3 could not have seen the occurrence. He further submitted that the petitioner/appellant is being Vice-President of the Panchayat, gave a petition before the District Collector stating that if a well is constructed in the river bed area, it may affect the irrigation rights of the ryots and aggrieved by the same, the Manager of the Contractor's Company gave a false complaint against the petitioner/appellant. He further submitted that the petitioner/appellant is having an arguable case and also having fair chances to succeed in the above appeal. He further submitted that the petitioner/appellant has paid the fine of Rs.22,000/- before the Trial Court.

3. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner/appellant and also the fact that it appears that there are several infirmities in the prosecution case in respect of the petitioner/appellant 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/appellant herein is entitled to the relief of suspension of sentence.

4. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner/appellant 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, Srivaikundam, Tuticorin District and on further condition that:

(i) 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 petitioner/appellant shall appear before the Trial Court on the first working day of every month 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/-
22/01/2018

/ TRUE COPY /



rmk
TO

1 THE PRINCIPAL SESSIONS JUDGE
TUTICORIN

2 THE JUDICIAL MAGISTRATE,
SRIVAIKUNDAM, TUTICORIN DISTRICT

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT

4 THE INSPECTOR OF POLICE,
SEITHUNGANALLUR POLICE STATION, TUTICORIN DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. C.C. to M/S.R.ARAVIND RAJ Advocate SR.No.1141

ORDER
IN
CRL MP (MD) No.436 of 2018
IN
CRL A (MD) No.39 of 2018
Date :22/01/2018

SMA/PM-PN/SAR-2/23.01.2018:3P/7c