



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

Monday, the Second day of July Two Thousand Eighteen

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.3357 of 2018

IN

CRL A(MD) No.205 of 2018

P.GURUSAMY

... PETITIONER/APPELLANT

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.654 OF 2015.

... RESPONDENT/RESPONDENT

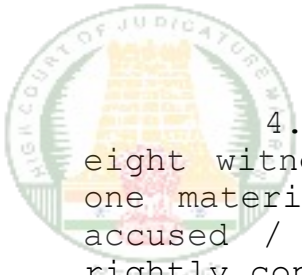
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed upon the petitioner namely P. Gurusamy vide judgement dated 22/12/2017 in S.C.No.280/2016 on the file of the Principal District & Sessions Judge, Thoothukudi pending disposal of the above Crl.A

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.S.ANWARSAMEEM, Advocate for the petitioner and of MR.K.SUYAMBULINGA BHARATHI, Government Advocate on behalf of the Respondents the court made the following order:-

This petition has been filed by the appellant to suspend the sentence imposed in S.C.No.280 of 2016 by the Principal District & Sessions Judge, Thoothukudi, dated 22.12.2017.

2.A case was registered against the appellant in Crime No.654 of 2015 for the offence punishable under Sections 294(b), 506 (2) IPC and Section 3 (1) of TNPPDL Act. The appellant was convicted under Section 3 of TNPPDL Act and was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine amount of Rs.10,000/- i/d to undergo three months rigorous imprisonment. (under Section 3(1) of TNPPDL Act)

3.On the side of the appellant, it is submitted that the appellant was not able to pay the fine amount and he is in custody for the past six months. It is further submitted that there are so many contradictions in the evidence of the witnesses. P.Ws.1 & 2 are not eye witnesses. P.W.1 & 2 was a conductor and driver, P.W.3 was a police officer and their evidence are unreliable. More over they did not identify the accused and hence, he prayed for suspension of sentence.



4. On the side of the prosecution, it is submitted that eight witnesses were examined and seven documents were marked and one material object was also marked. It is submitted that the accused / appellant was caught red-handed and the lower Court rightly convicted the accused / appellant.

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5. In the circumstances, this Court is inclined to grant suspension of sentence till the disposal of the the Appeal, 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.I, Thoothukudi 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 his Aadhar Card or Bank Pass Book to ensure his identity.

(ii) the appellant 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/-

02/07/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI
- 3 THE INSPECTOR OF POLICE,
SOUTH POLICE STATION, THOOTHUKUDI DISTRICT
- 4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI
- 5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to MR.T.ANTONY ARUL RAJ, Advocate SR.No.11778

ORDER IN
CRL MP(MD) No.3357 of 2018 IN
CRL A(MD) No.205 of 2018
Date : 02/07/2018