



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

Thursday, the Second day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP (MD) No.6210 of 2018

IN

CRL A (MD) No.349 of 2018

S. KABILAN

... PETITIONER/APPELLANT

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
NACHIYARKOVIL POLICE STATION,
THANJAVUR DISTRICT.
Crime No. 196 of 2014

... 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 made in S.C.No. 123/2016 dated 05.07.2018 by the learned Additional District and sessions Judge, (FTC) Kumbakonam and enlarge me on bail pending disposal of the above appeal

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.S.MUTHUKUMAR, Advocate for the petitioner and of Mr.K.SUYAMBULINGA BHARATHI, Government Advocate for the Respondent, While admitting the CRL A, the court made the following order:-

Heard Mr.S.Muthukumar, learned counsel appearing for the petitioner and Mr.K.Suyambulinga Bharathi, learned counsel appearing for the respondent police.

2.It is seen that the petitioner has been convicted by the learned Additional District and Sessions Judge, (FTC), Kumbakonam in S.C.No.123 of 2016 for the offence under Section 294 (b) IPC and Section 3(1) of TNPPDL Act and sentenced him to undergo two years rigorous imprisonment and to pay fine of Rs.5000/- (Rupees five thousand only), in default, to undergo 3 months rigorous imprisonment for the offences punishable under Section 3 (1) of TNPPDL Act and sentenced him to undergo 3 months rigorous imprisonment for the offences punishable Section 294(b) IPC by judgment dated 05.07.2018. Aggrieved by which, the petitioner has preferred an appeal in Crl.A.(MD)No.349 of 2018. Along with the appeal, he has filed the present application for suspension of sentence pending disposal of the said appeal.



3. On the side of the petitioner, it is stated that the petitioner is having arguable points for the appeal and the motive adduced by the prosecution in this case is not at all established by the prosecution and he prayed for suspension of sentence till the disposal of the appeal.

4. On the side of the respondent, it is stated that the prosecution has examined nine witnesses and marked six documents and the petitioner has damaged the water pipe meant for the public use. Panchayat Vice President is the de facto complainant. So, he has objected the sentence to be suspended.

5. Records perused. The offences against the petitioner are that he used filthy language in the public place and caused damage to the water pipe worth about Rs.1,000/- (Rupees One Thousand only). However, there are points for consideration on the side of the petitioner and an opportunity is given to the petitioner to put forth his case of the appeal in the interest of justice.

6. This Court is inclined to grant suspension of sentence till further order, 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, Kumbakonam 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 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.

7. Post the matter after four weeks 'for hearing the main appeal'.

sd/-
02/08/2018

/ TRUE COPY /



TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, (FTC),
KUMBAKONAM.

2. THE JUDICIAL MAGISTRATE NO II, KUMBAKONAM,

3. THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

4. THE INSPECTOR OF POLICE
NACHIYARKOVIL POLICE STATION,
THANJAVUR DISTRICT.

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

+1. C.C. to Mr.S.MUTHUKUMAR Advocate SR.No.15161

ORDER

IN

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IN

CRL A (MD) No.349 of 2018

Date : 02/08/2018

TK/VR-MMS/SAR.4/07.08.2018/3P-7C