



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

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL MP (MD) No.10787 of 2018

IN

CRL A (MD) No.560 of 2018

1 CHELLAPPA @ KARIKADAI CHELLAPPA @ MANSOOR ALI,

2 JAHIR HUSSAIN

... PETITIONERS/APPELLANT

Vs

STATE REPRESENTED

THE INSPECTOR OF POLICE,
THIRUVIDAIMARUTHUR POLICE STATION,
THANJAVUR DISTRICT.

(CRIME NO.323/2006)

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge the petitioners on bail by suspending the sentence imposed upon them in S.C.No.11/2013 on the file of the Learned Additional District Sessions Judge (FTC), Kumbakonam, Thanjavur District dated 06/12/2018 pending disposal of the main Crl.A.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.A.THIRUVADI KUMAR, Advocate for the petitioners and of Mr.A.ROBINSON, Government Advocate (Crl Side) for the Respondents while admitting Crl A, the court made the following order:-

This petition is filed to enlarge the petitioners on bail by suspending the sentence of imprisonment imposed on them in S.C.No.11 of 2013 on the file of the learned Additional District Sessions Judge, (FTC), Kumbakonam, Thanjavur District, dated 06.12.2018.

2.As against the said conviction and punishment, the petitioners have preferred an appeal in Crl.A.No.560 of 2018. In this criminal appeal, the petitioners have filed the petition and prayed for the suspension of sentence pending disposal of the said appeal.

3.Heard the submissions made on both sides and perused the judgment and other records available.

4.It is seen that the prosecution had failed to offer any explanation for the delay in lodging the complaint and FIR reaching



the Court. It is also seen that the prosecution has not explained the interpolation.

5. After considering the above submissions, this Court finds that there are arguable points involved to be decided in the Criminal Appeal. Thus, this Court deems it appropriate to suspend the substantive portion of sentence imposed on the petitioners.

6. Accordingly, the Miscellaneous Petition is allowed and the sentence of imprisonment awarded by the trial Court is hereby suspended until further orders in this petition and the petitioners are directed to be enlarged on bail on their executing a bond for a sum of Rs.5,000/- (Rupees five thousand only) each with two sureties each for a like sum to the satisfaction of the learned II Additional District Munsif cum Judicial Magistrate, Kumbakonam, subject to a condition that the petitioners shall appear before the said Court once in a month i.e., on the first working day of every month at 10.30 A.M until further orders.

sd/-
27/12/2018

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL DISTRICT SESSIONS JUDGE,
(FTC), KUMBAKONAM, THANJAVUR DISTRICT.
- 2 THE II ADDITIONAL DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KUMBAKONAM.
- 3 THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
- 4 THE INSPECTOR OF POLICE
THIRUVIDAIMARUTHUR POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

PS/PN/SAR-2/02.01.2019/2P/6C

ORDER
IN
CRL MP (MD) No.10787 of 2018
IN
CRL A (MD) No.560 of 2018
Date : 27/12/2018