



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

Monday, the Twenty Ninth day of October Two Thousand Eighteen

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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

Crl.M.P. (MD) Nos.7576 & 7577 of 2018

IN

CRL RC (MD) No.474 of 2017

A.BALASUBRAMANIAN

... PETITIONER/ 2nd RESPONDENT
IN CRL MP (MD) NO.7576/2018
IN CRL RC (MD) No.474/2017

MUNUSAMY

... PETITIONER/ 1st RESPONDENT
IN CRL MP (MD) NO.7577/2018
IN CRL RC (MD) No.474/2017

Vs

STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
DISTRICT CRIME BRANCH,
KARUR DISTRICT.
IN CRIME NO.13 OF 2010

... RESPONDENT/ RESPONDENT
IN BOTH THE PETITIONS

PRAYER IN CRL MP (MD) NO.7576/2018 IN CRL RC (MD) No.474/2017:

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 against the petitioner in judgment dated 04.04.2017 in CC No. 11 of 2011 by the learned Judicial Magistrate No. 11, Karur and confirmed by the judgment of the learned Additional Sessions judge, Karur dated 30.05.2017 in Crl.A.No. 63 of 2017 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.

Prayer in CRL MP (MD) . 7577/ 2018 IN CRL RC (MD) No.474/2017:

To suspend the sentence imposed against the petitioner in Judgment dated 04.04.2017 in CC No. 11 of 2011 by the learned Judicial Magistrate No. II, Karur confirmed in Judgment dated 30.05.2017 in Crl.A.No. 63 of 2017 by the learned Additional Sessions court, Karur and enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.A.R.L.SUNDERASAN, Senior Counsel for Mrs.AL.GANTHIMATHI, Advocate for the petitioner in both the petitions and of Mr.K.K.RAMAKRISHNAN,



Additional Public Prosecutor on behalf of the Respondent in both the petitions, the court made the following order:-

These two criminal miscellaneous petitions are filed to suspend the sentence imposed on the petitioners in judgment dated 04.04.2017 in C.C.No.11 of 2011 by the learned Judicial Magistrate No.II, Karur and the same is confirmed by the learned Additional Sessions Court, Karur in CrI.A.No.63 of 2017 dated 30.05.2017.

2. Earlier, this Court at the time of admitting the revision petition suspended the sentence and the revision petitioners are enjoying the bail. Later, when the case was listed for final disposal, there was no representation for the revision petitioners. Since the revision petitioners have not turned up to contest the case, the bail granted on 16.06.2017 was cancelled and both the revision petitioners were committed to prison.

3. Thereafter, they have engaged Mr.AR.L.Sunderasan, learned Senior Counsel for the revision petitioners. The learned senior counsel submitted that the parties have entered into compromise and they are likely to settle the issue. Therefore, in order to report final settlement, the petitioners herein shall be released in bail.

4. Considering the nature of the case, where a fraudulent land transaction has been committed, and to recall the said fraudulent act, the presence of the revision petitioners is essential. Therefore, sentence imposed on the revision petitioners is suspended until further order. The revision petitioners shall be released on bail on the following conditions:-

(i) the revision petitioners shall be enlarged on bail, on them executing a bond for Rs.10,000/- (Rupees Ten Thousand only) each with two sureties for a like sum to the satisfaction of Judicial Magistrate No.II, Karur;

(iii) The revision petitioners shall report before the trial Court on the 1st working day of every month until further orders;

(iii) the revision petitioners shall attend the trial, without fail;

(iv) the revision petitioners shall not tamper with the evidence or witness and

(v) on breach of any of the aforesaid conditions, the learned trial Judge is entitled to take appropriate action, as if the conditions have been imposed and the revision petitioners released on bail by the trial Judge himself as laid down by Hon'ble Supreme Court in



5. Post this matter on 19.12.2018.

sd/-
29/10/2018

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

TO

1. THE ADDITIONAL SESSIONS JUDGE, KARUR.
2. THE JUDICIAL MAGISTRATE NO.II, KARUR.
3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
4. THE SUPERINTENDENT, CENTRAL PRISON,
TRICHY.
5. THE DEPUTY SUPERINTENDENT OF POLICE,
DISTRICT CRIME BRANCH, KARUR DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to MR.AL.GANTHIMATHI Advocate SR.No.20552

ORDER IN
Crl.M.P.(MD)Nos.7576 & 7577 of 2018
IN CRL RC(MD) No.474 of 2017
Date :29/10/2018

MS/PN/SAR-1/29.10.2018/3P.8C