

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Thursday, the Sixteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.4567 of 2019
IN
CRL A(MD) No.226 of 2019

1 R.VIVIN
2 R.VIGIN @ VIGIL ... PETITIONERS/ APPELLANTS

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
VADASERY POLICE,
KANYAKUMARI DISTRICT. ... 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 of imprisonment imposed on the petitioners by the learned Principal District and Sessions Judge, Kanyakumari at Nagercoil in S.C.No.196/2016, dated 02.04.2019, pending disposal of the Crl.A.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.N.S.RAMAKRISHNA DASS, Advocate for the petitioner and of MR.K.K.RAMAKRISHNAN, Additional Public Prosecutor on behalf of the Respondent, While admitting the CRL A., the court made the following order:-

The present appeal is arising out of the conviction and sentence imposed against these petitioners in S.C.No.196 of 2016 dated 02.04.2019 by the learned Principal District and Sessions Judge, Kanyakumari, wherein the petitioners were found guilty for the offences punishable under Sections 148, 450, 149 r/w. 326, 149 I/W. 324 and 326 of IPC and have been convicted and sentenced as detailed below :

Penal Provision under which convicted	Sentence	Fine amount
Section 148 of IPC	To undergo one year simple imprisonment	Rs.1,000/- in default to undergo two months simple imprisonment
Section 450 of IPC	To undergo two years	Rs.5,000/- in default to undergo three months simple imprisonment
Section 149 r/w. 427 of IPC	To undergo six months simple imprisonment	Rs.1,000/- in default to undergo one month simple imprisonment
Section 149 r/w. 324 of IPC	To undergo one year simple imprisonment	Rs.2,000/- in default to undergo one month simple imprisonment
Section 326 of IPC	To undergo three years simple imprisonment	Rs.5,000/- in default to undergo six months simple imprisonment

2.The learned counsel appearing for the petitioners would submit that the other co-accused who have also been similarly convicted by the trial Court have preferred separate appeals before this Court and their sentence have been suspended by this Court vide an order dated 24.04.2019 in CrI.M.P. (MD)No.173 of 2019.

3.Since the sentence of other co-accused were already suspended by this Court, I am of the considered opinion that the petitioners are entitled for the relief of suspension of sentence.

4.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are directed to be enlarged on bail, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Kanyakumari, and on further condition that the petitioners shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, until further orders.

sd/-
16/05/2019

/ TRUE COPY /

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

TO

1 THE PRINCIPAL DISTRICT AND
SESSION JUDGE,
KANYAKUMARI AT NAGERCOIL.

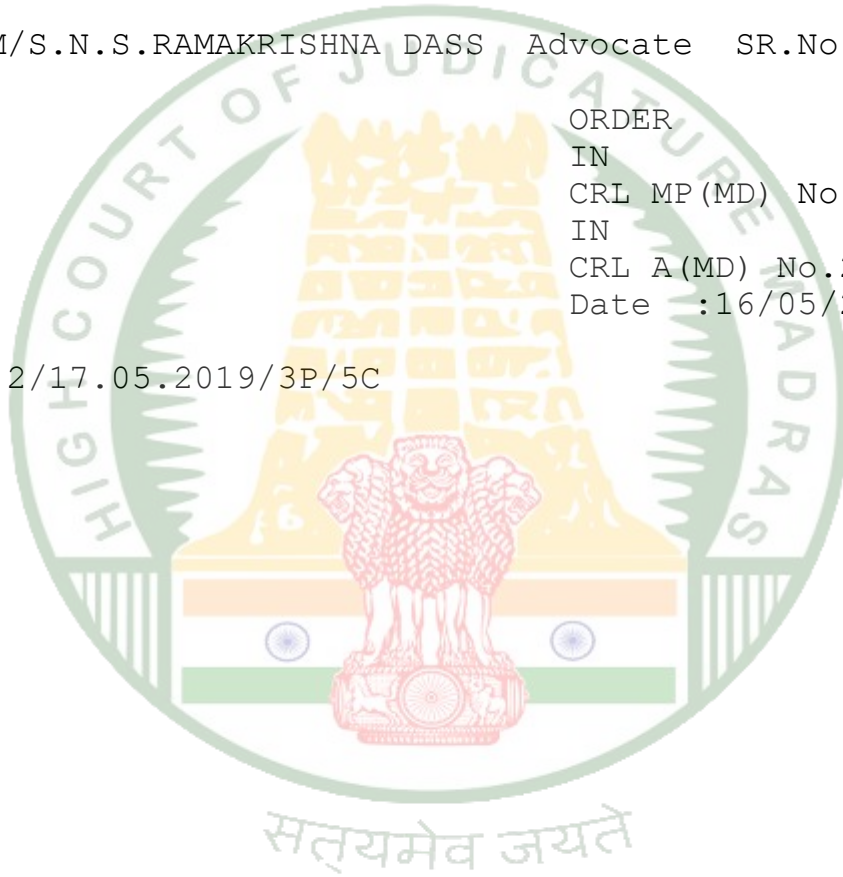
2 THE INSPECTOR OF POLICE,
VADASERY POLICE,
KANYAKUMARI DISTRICT.

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

+1. C.C. to M/S.N.S.RAMAKRISHNA DASS Advocate SR.No. 8602

ORDER
IN
CRL MP (MD) No.4567 of 2019
IN
CRL A (MD) No.226 of 2019
Date :16/05/2019

JM PK/VR/SAR 2/17.05.2019/3P/5C



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