



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

Tuesday, the Twenty Fourth day of September Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL MP(MD) No.8157 of 2019
IN
CRL A(MD) No.212 of 2009

1 MUTHUSAMY

2 CHINNA MARIYAPPAN

... PETITIONERS/APPELLANTS/
ACCUSED Nos.2 & 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
OTTAPIDARAM POLICE STATION,
TUTICORIN DISTRICT
(CRIME NO.64/2002) ... RESPONDENT/RESPONDENT/COMPLAINANT

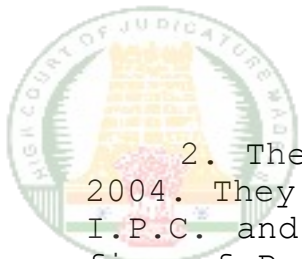
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the operation and execution of sentence imposed on the petitioners / accused 2 and 3 by the Assistant Sessions Judge, Kovilpatti in S.C.No.183/2004 dated 06.08.2009 and to enlarge the above petitioners / Accused 2 and 3 on bail till the disposal of pending appeal.

PRAYER IN CRL A(MD) No.212 of 2009:

Pleased to admit the appeal, call for the records and set aside the conviction and sentence imposed by the learned Assistant Sessions Judge, Kovilpatti in S.C.No.183/04 dated 06.08.2009 and acquit the appellants.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.D.SARAVANAN, Advocate for the petitioner and of Mr.K.Suyambulinga Bharathi, Government Advocate, (Criminal side) for the Respondent, the court made the following order:-

This petition has been filed to enlarge the petitioners on



2. The petitioners were arrayed as A-2 & A-3 in S.C. No.184 of 2004. They have been convicted for the offence under Section 307 of I.P.C. and sentenced to undergo 10 years rigorous imprisonment and fine of Rs.1000/-in default of payment one year simple imprisonment by Judgment, dated 06.08.2009 in S.C. No.184 of 2009 as against which, the petitioners have preferred appeal in Crl.A. (MD) No.212 of 2009 and by order of this Court, dated 10.09.2009 their sentence was suspended and enlarged them on bail in M.P.(MD) No.1 of 2009. Thereafter, the appeal was listed for hearing on 27.07.2019. Since no one was appeared on behalf of the petitioners/appellants this Court revoked the suspension of sentence granted by this Court on 10.09.2009 and directed the respondent police to secure the appellants/accused Nos.2 & 3 and take appropriate action as against them. Accordingly, the respondent police has arrested these petitioners and remanded to judicial custody on 27.08.2019.

3.The learned counsel appearing for the petitioner would submit that originally the appeal was filed by the learned counsel who has been subsequently elevated to the Judge of this Court and one of his junior has also joined in the Subordinate Judicial Officer service in the State of Tamil Nadu. Therefore, these petitioners were not able to report before this Court on the date of hearing, namely, on 27.07.2019.

4.Considering the facts and circumstances of the case, the criminal miscellaneous petition is allowed and the substantive sentence of imprisonment alone stands suspended pending disposal of the appeal 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)with two blood related sureties, each for a likesum, to the satisfaction of the learned Assistant Sessions Judge, Kovilpatti, and on further condition that the petitioners shall appear before the said Court at 10.30 a.m. on the 1st working day of every English calendar month until further orders.

sd/-
24/09/2019

/ TRUE COPY /

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

TO

1 THE ASSISTANT SESSIONS JUDGE,
KOVILPATTI.

<https://hcservices.ecourts.gov.in/hcservices/>



2 THE INSPECTOR OF POLICE
OTTAPIDARAM POLICE STATION,
TUTICORIN DISTRICT

3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.D.SARAVANAN, Advocate (SR-16211[I] dated 24/09/2019)

ORDER

IN

CRL MP(MD) No.8157 of 2019

IN

CRL A(MD) No.212 of 2009

Date :24/09/2019

KSA

ES/PN/SAR 4/24.09.2019/3P/6C