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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirteenth day of January Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.33 of 2020

IN CRL.A.NO.1 OF 2020

1 PARIMALAM
2 P.MUTHURAMALINGAM

[PETITIONERS / APPELLANTS /
ACCUSED]

Vs

STATE BY
INSPECTOR OF POLICE,
NAMAGIRIPETTAI POLICE STATION,
NAMAKKAL DISTRICT.

[RESPONDENT / RESPONDENT /
COMPLAINANT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.1/2020 on the file of the High Court, the High Court will be pleased to suspend the sentence passed in Sessions Case No.61 of 2012 dated 13.12.2019, convicting the appellants U/s 447 IPC and sentencing to undergo 3 months R.I and fine of Rs.1,000 each and i/d of fine to undergo 9 weeks S.I and U/s 3(1) of TNPPDL Act and sentencing to 3 years R.I and fine of Rs.1,00,000 each i/d of fine 9 months S.I by the Principal Sessions Judge, Namakkal, pending disposal of the above Crl.A.No.1/2020.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.1/2020 on the file of the High Court and upon hearing the arguments of M/S.C.VIDHUSAN, Advocate for the petitioners and of MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioners faced trial in S.C.No.61 of 2012 on the file of learned Principal Sessions Judge, Namakkal. Under judgment dated 13.12.2019, the trial Court convicted and sentenced the petitioners / accused for the offences as tabulated hereunder:-



Convicted	Sentenced
Under Section 447 IPC	to undergo Rigorous Imprisonment for three months and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for nine weeks.
Under Section 3 (i) of TNPPDL Act	to undergo Rigorous Imprisonment for three years and to pay a fine of Rs.1,00,000/- in default to undergo simple imprisonment for nine months.

2. Aggrieved over the same, the petitioners have filed the Criminal Appeal, along with this petition seeking suspension of sentence.

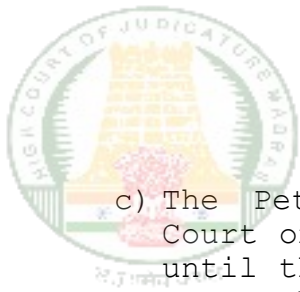
3. It is submitted by the learned counsel for the petitioners/accused that the amount(s) of fine had already been paid, as directed by the trial Court, in its judgment. He further submitted that there are several infirmities and inconsistencies in the prosecution case and there are also contradictions in material particulars in the evidence of the prosecution. He also submitted that there are arguable points available in this Criminal Appeal, which is not likely to be taken up for final hearing in the near future and hence, the substantive sentence imposed against the petitioners may be suspended.

4. Heard learned Additional Public Prosecutor on the submissions made by the learned counsel for petitioners.

5. Considering the facts and circumstances of the case and taking into account the submissions made by the learned counsel on either side, this Court is of the view that the petitioners herein can be granted the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners herein are directed to be enlarged on bail on the following conditions:-

- a) Each of the Petitioners/Accused are directed to execute 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 Principal Sessions Judge, Namakkal;
- b) Each of the Petitioners/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the learned Judge may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities; and



c) The Petitioners / Accused shall appear before the Trial Court on the first working day of every month at 10.30 a.m., until the disposal of the Appeal and if they are not able to appear before the Trial Court on any day, due to unavoidable circumstances, they shall make arrangements to file an application under Section 317 of Cr.PC. and shall appear before the Trial Court on any other day in lieu of their absence, as directed by the Trial Court. Such an application shall not be entertained often.

-sd/-
13/01/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SESSIONS JUDGE
NAMAKKAL.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
NAMAGIRIPETTAI POLICE STATION,
NAMAKKAL DISTRICT.

4 THE SECTION OFFICER
CRIMINAL SECTION,
HIGH COURT, MADRAS.

+2 C.C. to M/S.C.VIDHUSAN Advocate on payment of necessary charges SR.No.717

Order

in
CRL MP.33/2020

in
CRL.A.1/2020

Date :13/01/2020