

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Eleventh day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.833 of 2020

IN CRL.A.No.43 OF 2020

1 BHUVANESWARAN
2 MANOKARAN
3 PUNNIYAMURTHI
4 SATHISHKUMAR
5 ARUN @ ARUNKUMAR
6 RAMESHKUMAR
7 BALAKRISHNAN
8 KANNAN

[PETITIONERS]

Vs

STATE REPRESENTED BY
THE DEPUTY SUPERINTENDENT OF POLICE,
VALANGAIMAN POLICE STATION,
CRIME NO.10/2008.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.No.43 OF 2020 on the file of the High Court, the High Court will be pleased to suspend the sentence made in sessions case No.143 of 2016 on the file of the Principal District and Sessions Judge, Thiruvarur dated 12.12.2019 pending disposal of the above CRL.A.No.43 OF 2020.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.No.43 OF 2020 on the file of the High Court and upon hearing the arguments of M/S. B.RAMAMOORTHY, Advocate for the petitioner and of MR. K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

Petitioners 1 to 3 and 5 to 8 herein faced trial in S.C.No.143 of 2016 on the file of learned Principal District and Sessions Judge, Thiruvarur. Under judgment dated 12.12.2019, the trial Court convicted and sentenced each of the petitioners / accused for the offences as tabulated hereunder:-

Convicted of the Offence	Sentenced
Under Section 147 IPC	To undergo four months Rigorous Imprisonment.

Convicted of the Offence	Sentenced
Under Section 3 (1) TNPPDL Act, 1992	To undergo one year Rigorous Imprisonment and to pay a fine of Rs.500/- in default to undergo Rigorous Imprisonment for three months.

2. The sentences were ordered to run concurrently. As against the aforesaid convictions and sentences, the petitioners have filed this Criminal Appeal, along with the petition seeking suspension of sentence. As far as the fourth petitioner herein / A-4 is concerned, he was reported dead and hence charge against him was abated.

3. The learned counsel for the petitioners submitted that the fine amount, as directed by the trial court, had already been paid, by the petitioners; and 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 consideration the submissions of learned counsel on either side, this Court is of the view that the petitioners herein can be granted the relief of suspension of sentence. 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) The Petitioners/A-1 to A-3 and A-5 to A-8 shall deposit Rs.5,000/- (Rupees Five Thousand Only) each, before the Trial Court, within four weeks from the date of receipt of a copy of this order;

(b) On such deposit being made, the Trial Court shall redeposit the said amount in a fixed deposit account in any nationalized bank. The disbursal of this amount shall be decided at the culmination of the Criminal Appeal;

(c) Thereafter, the petitioners are ordered to be released on bail, on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Thanjavur;

(d) The Petitioners 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.

(e) The Petitioners shall sign before the learned Principal District and Sessions Judge, Thanjavur, everyday, at 10.30 am, for a period of the two weeks and thereafter, as and when required.

(f) On the failure of the Petitioners, depositing the said amount, as aforesaid, it is open to the Trial Court to commit the Petitioners into custody for undergoing the remaining period of sentence.

-sd/-

11/02/2020

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 DISTRICT AND
SESSIONS JUDGE, THANJAVUR

2 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, THIRUVARUR

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
VALANGAIMAN POLICE STATION, THIRUVARUR

C.C. to M/S. B.RAMAMOORTHY Advocate on payment of necessary charges

WEB COPY

Order
in
CRL MP.833/2020

IN CRL.A.No.43 OF 2020

Date :11/02/2020

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RVR 20/02/2020

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