



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

Wednesday, the Eighth day of July Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.3265 of 2020

IN

CRL RC(MD) No.372 of 2020

MOORTHY

... PETITIONER/
PETITIONER/ APPELLANT/ACCUSED NO.2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE(L & O),
C-1, THIDEER NAGAR POLICE STATION,
IN CR.NO.635 /2003
MADURAI DISTRICT.

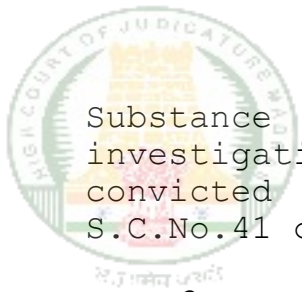
... RESPONDENT/
RESPONDENT/ RESPONDENT/ COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed in C.A.No.14/17 dated 17/07/2019 on the file of the learned IVth Additional District and Sessions Judge, Madurai Confirming the judgment of conviction and sentence passed in S.C.no.41/2015 dated 09/01/2017 on the file of the Chief Judicial Magistrate, Madurai and enlarge the petitioner/appellant/accused on bail till the disposal of the revision petition and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.R.VENKATESWARAN, Advocate for the petitioner and of MR.K.DINESH BABU, Additional Public Prosecutor on behalf of the Respondent, while admitting the CRL.RC., the court made the following order:-

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

2. The case against the petitioner is that on 12.05.2003 at about 3.30 p.m, during the routine checkup, the respondent police stopped the white colour ambassador Car MDA -6744, in which, the petitioner and four others were travelled, at that time, the respondent police found a Country bomb, three knives and one suri knife and chilli power of 50 gms wrapped in a newspaper. Hence, a case was registered under Sections 399, 402 I.P.C and Section 27 of the Explosive Act and Section 5(a) of the Indian Explosive



Substance Act against the petitioner and others. After investigation, a charge sheet was filed and the petitioner was convicted by the learned Chief Judicial Magistrate, Madurai in S.C.No.41 of 2015, dated 09.01.2017.

3.As against the said conviction and sentence, the petitioner has preferred an Appeal in Crl.A.(MD)No.14 of 2017 before the learned IV Additional District and Sessions Judge, Madurai and the said appeal was dismissed by confirming the trial Court order. Aggrieved over the same, the petitioner preferred this Criminal Revision petition along with the suspension of sentence application.

4. On the side of the petitioner, it stated that the petitioner is accused No.2 in the main case and he was convicted for the offence under Section 399, 402 I.P.C and Section 27 of the Indian Arms Act and 5(a) of the Indian Explosive Substance Act. The alleged case of the prosecution has taken place on 12.05.2003 that is 16 years ago. It is further stated that for the past 16 years, there is no other case against this petitioner/Accused No.2. Form-95 was presented before the trial Court only after a month and all the witnesses are Police Officials and Magazer witness was not examined. The petitioner is in custody from 05.02.2020 onwards and he is having School going children and the wife of the petitioner is admitted in the Hospital and that the petitioner may be released on bail.

5. On the side of the prosecution, it is stated that Accused Nos. 3 to 5 are absconding and the Non-Bailable Warrants are pending against them. Accused No.1 has filed a petition and the same is still pending. He fairly submitted that there is no other case pending against this petitioner for the past 16 years.

6. Records perused.

7. From the records, it is revealed that the case was registered on 12.05.2003 and it is stated that there is no other case pending against the petitioner for the past 16 years. The petitioner is in judicial custody from 05.02.2020 onwards. Considering the family situation of the petitioner, this Court is inclined to grant suspension of sentence till the disposal of the revision, on the petitioner executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum, of whom, one should be a blood relative to the satisfaction of the learned Chief Judicial Magistrate, Madurai and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression along with their signature in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or



(ii) the petitioner shall appear before the said Court daily at 10.30 a.m until further orders.

WEB COPY

sd/-
08/07/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE IVth ADDITIONAL DISTRICT
AND SESSIONS JUDGE,
MADURAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE(L & O),
C-1, THIDEER NAGAR POLICE STATION,
MADURAI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.3265 of 2020
IN
CRL RC(MD) No.372 of 2020
Date :08/07/2020

MSA
JM/PN/SAR 3/09.07.2020/3P/6C

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