



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

Friday, the Fourteenth day of August Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.3751 of 2020

IN

CRL A(MD) No.237 of 2020

VELAVAN

... APPELLANT/ACCUSED NO.1

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
KEELAKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(IN CRIME NO.47/2018)

... RESPONDENT/COMPLAINANT

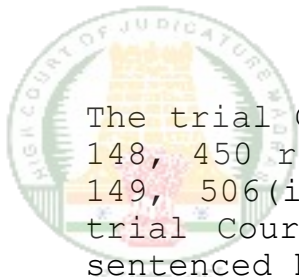
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed against the petitioner and release him on bail pending disposal of the main Criminal Appeal before this Honourable Court against the judgment of the Honourable Principal District and Sessions Judge, Ramanathapuram in S.C.No.52 of 2019 dated 19.02.2020.

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

This petition has been filed to suspend the sentence imposed by the learned Principal District and Sessions Judge, Ramanathapuram District, in S.C.No.52 of 2019 dated 19.02.2020, till the disposal of the appeal.

2.The case against the petitioner is that on 02.04.2018, when the defacto complainant was working at his mobile shop. The petitioner and others trespassed into the shop and abused the complainant in filthy language and attacked him with iron rod and damaged the mobile shop. The case against the petitioner in Crime No.47 of 2018 was registered under Sections 147, 148, 450, 294(b), 323, 324, 307, 379, 506(ii) of IPC and Section 3(1) of TNPPDL Act.

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The trial Court framed charges against the petitioner under Sections 148, 450 r/w 149, 294(b) r/w 149, 307 r/w 149, 323 r/w 149, 427 r/w 149, 506(ii) r/w 149 of IPC and Section 3(1) of TNPPDL Act. The trial Court convicted the petitioner and under Section 148 of IPC sentenced him to pay a fine of Rs.1,000/- (Rupees One Thousand only) in default to undergo one month simple imprisonment and under Section 294(b) r/w. 149 of IPC sentenced him to pay a fine of Rs.500/- (Rupees Five Hundred only) in default to undergo fifteen days simple imprisonment and under Section 451 r/w. 149 of IPC sentenced him to undergo one year rigorous imprisonment and to pay a fine of Rs.500/- (Rupees Five Hundred only) in default to undergo fifteen days simple imprisonment and under Section 324 r/w. 149 of IPC sentenced him to undergo two years rigorous imprisonment and to pay a fine of Rs.2,000/- (Rupees Two Thousand only) in default to undergo one month simple imprisonment and under Section 323 r/w. 149 of IPC sentenced him to pay a fine of Rs.500/- (Rupees Five Hundred only) in default to undergo fifteen days simple imprisonment and under Section 3(1) of TNPPDL Act, sentenced him to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/- (Rupees one Thousand only) in default to undergo one month simple imprisonment. Against the conviction and sentence imposed by the trial Court, the petitioner has filed a criminal appeal and along with the appeal, he filed this petition for suspension of sentence.

3.On the side of the petitioner, it is stated that the petitioner is in custody from 19.02.2020 and the major offence against the petitioner is only under Section 324 of IPC. Alleged occurrence is on 03.04.2018. FIR was sent to Court only on 04.04.2018 and there was a delay in filing the FIR. The alleged offence against the petitioner under Section 379 of IPC is doubtful and prayed the petition to be allowed.

4.On the side of the prosecution, it is stated that the prosecution has examined eight witnesses and marked eight documents and two material objects and only after careful consideration of all the documents and evidence on record, the trial Court has rightly convicted the appellant. The wound certificate of the P.W.1 was marked as Ex.P5 and the alteration report was marked as Ex.P8 and prayed the petition to be dismissed.

5.It is seen that the petitioner is in custody for the past six months. Considering the period of incarceration and considering the nature of offence, this Court is inclined to grant suspension of sentence till the disposal of the appeal on the following conditions:

(i) the petitioner is 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 Judicial Magistrate No.I, Ramanathapuram



(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their any valid identity proof to ensure their identity.

(iii) the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

sd/-

14/08/2020

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/ /2020

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

TO

- 1.THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
RAMANATHAPURAM.
- 2.THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM.
- 3.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5.THE INSPECTOR OF POLICE,
KEELAKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 6.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.3751 of 2020

IN

CRL A(MD) No.237 of 2020

Date :14/08/2020

Mm

AE/JC/SAR-II (18.08.2020) 3P 7C