



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

Tuesday, the Fifteenth day of September Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.4333 of 2020
IN
CRL A(MD) No.277 of 2020

SHELTON RAJADURAI

... PETITIONER/ APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
TIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.11/2012

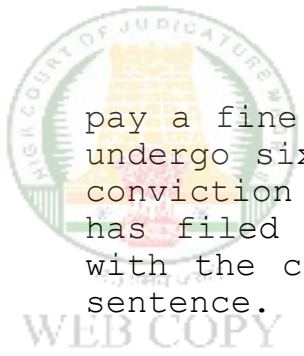
... RESPONDENT/ RESPONDENT

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 on the petitioner by the Principal Sessions Judge, Thoothukudi, Thoothukudi District in S.C.C.No.1 of 2014 by his Judgment dated 13.08.2020 and enlarge the petitioner on bail pending disposal of the above appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.MUTHUMALAI RAJA, 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 Sessions Judge, Thoothukudi, Thoothukudi District in S.C.C.No.1 of 2014 dated 13.08.2020, till the disposal of the appeal.

2.The case against the petitioner is that with an intention to commit theft of electricity, the petitioner and another person tampered the electricity meter and caused a loss of Rs.21,42,609/- (Rupees Twenty One Lakhs Forty Two Thousand Six Hundred and Nine only) to TNEB. The case against the petitioner in Crime No.11 of 2012 was registered under Sections 135(1)(b) of Electricity Act, 2003. The learned Principal Sessions Judge, Thoothukudi found A1 as not found guilty and acquitted him. The trial Court convicted A2 under Sections 135(1)(b)(c) and 135(1)(d) of Electricity Act and sentenced him to undergo three years rigorous imprisonment and to



pay a fine of Rs.5,000/- (Rupees Five Thousand only), in default to undergo six months simple imprisonment for each charge. Against the conviction and sentence imposed by the trial Court, the petitioner has filed a criminal appeal in Crl.A.(MD)No.277 of 2020 and along with the criminal appeal, he filed this petition for suspension of sentence.

3.On the side of the petitioner, it is stated that there are contradictions between the evidence of P.W.1 to P.W.4 and P.W.7 to P.W.10. P.W.1 detained the meter box and meter wire, in his custody for one day which is unnecessary. The calculation of the loss is wrong. There is a delay of six days in sending the FIR to the Court. The evidence of P.W.5 contradicts the evidence of P.W.6. The presence of P.W.5 is doubtful. A1 was already acquitted by the lower Court. There are much more points to be argued in the main appeal and prayed the sentence to be suspended till the disposal of the appeal.

4.On the side of the prosecution, it is stated that the prosecution has examined 10 witnesses and marked 16 documents and marked 3 material objects. The defence side has not examined any witness but marked seven documents. The calculation sheet was marked as Ex.P3. Forensic Expert report was marked as Ex.P14. The observation Mahazer prepared by TNEB Engineer was marked as Ex.P4. P.W.1 and P.W.8 clearly deposed the case of prosecution A2 was running the ice plant and he was committed the energy theft. The case was proved by the prosecution beyond all reasonable doubts and prayed the petition to be dismissed.

5.Considering the submissions made by both the counsels 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 deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of S.C.C.No.1 of 2014 on the file of the learned Principal Sessions Judge, Thoothukudi ;

(ii)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, Tiruchendur, Thoothukudi District ;

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



(iv) 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.

sd/-
15/09/2020

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/ /2020

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

TO

1. THE PRINCIPAL SESSIONS JUDGE,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
2. THE JUDICIAL MAGISTRATE, TIRUCHENDUR,
THOOTHUKUDI DISTRICT.
3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
4. THE INSPECTOR OF POLICE
TIRUCHENDUR POLICE STATION, THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP (MD) No.4333 of 2020
IN
CRL A (MD) No.277 of 2020
Date :15/09/2020

MS/JC/SAR-4/16.09.2020/3P.6C