



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

Monday, the Thirtieth day of November Two Thousand and Twenty

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.6264 of 2020

IN

CRL A(MD) No.342 of 2020

1 DEIVENDARAN

2 GURUSAMY

3 RAJAN @ KARPPAGARAJ

4 ANANTH @ DEIVENDARAN

... PETITIONERS/APELLANTS

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,

KOVILPATTI EAST POLICE STATION,

KOVILPATTI, THOOTHUKUDI DISTRICT.

CRIME NO.926 OF 2011

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioners on bail by Suspending the sentence imposed upon the petitioners in S.C.No.301 of 2016 on the file of the learned Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court), Thoothukudi, Thoothukudi District dated 9.11.2020 pending disposal of the main Criminal Appeal.

Prayer in CRL A(MD) No.342 of 2020:

To call for the records in S.C.No.301 of 2016 on the file of the learned Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court), Thoothukudi, Thoothukudi District and SET ASIDE the Judgment dated 9.11.2020 and Acquit the Appellants of the Charge leveled against the petitioners.



Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.A.THIRUVADI KUMAR, Advocate for the petitioners and of MR.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the Respondent, while admitting the CRL A., the court made the following order:-

This petition has been filed to suspend the sentence imposed by the learned Sessions Judge, Mahalir Neethimandram, (Fast Track Mahila Court), Thoothukudi District, Thoothookudi in S.C.No.301 of 2016 dated 09.11.2020, till the disposal of the appeal.

2.The case against the petitioners is that the accused and one Selva formed into an unlawful assembly threatened the defacto complainant with dire consequences. A case was filed against the petitioners under Sections 147, 506(i) and 306 of IPC and was taken on file as P.R.C.No.34 of 2016 by the learned Judicial Magistrate No.I, Kovilpatti. Then it was taken on file as S.C.No.301 of 2016. The learned Sessions Judge, Thoothukudi found the petitioners not guilty under Sections 506(i) and 306 of IPC but found the petitioners guilty under Section 147 of IPC and sentenced them to undergo two years rigorous imprisonment each and to pay a fine of Rs.1,000/- (Rupees One Thousand only) each in default to undergo six months rigorous imprisonment each. Against the conviction and sentence imposed by the trial Court, the petitioners have filed a criminal appeal in Crl.A.(MD)No.342 of 2020 and along with the appeal, they filed this petition for suspension of sentence.

3.On the side of the petitioners, it is stated that there are valid 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 16 witnesses and marked 11 documents. The case was proved by the prosecution beyond all reasonable doubts. The trial Court rightly convicted the petitioners and prayed the petition to be dismissed.

5.Considering the facts that suspension of sentence was granted by the lower Court and that the Criminal Appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioners herein are entitled to the relief of suspension of sentence.

6.Accordingly, the substantive sentence of imprisonment alone is suspended till the disposal of the appeal and the petitioners are ordered to be released on bail on the following conditions:



(i)the petitioners are directed to execute 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 Judicial Magistrate No.I, Kovilpatti ;

(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 any valid identity proof to ensure their identity ;

(iii)the petitioners shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

sd/-
30/11/2020

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

TO

- 1 THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM,
(FAST TRACK MAHILA COURT), THOOTHUKUDI.
- 2 THE JUDICIAL MAGISTRATE NO.I,
KOVILPATTI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI
- 4 THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION,
KOVILPATTI, THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.6264 of 2020
IN
CRL A(MD) No.342 of 2020
Date :30/11/2020

MRN
JM/PN/SAR II/01.12.2020/3P/6C

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