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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.M.P.No.9985 of 2021 in

Crl.A.No.455 of 2021

Gokuldass

...Petitioner/Appellant/1st Accused

Vs.

STATE: Represented by
Inspector of Police
Arakandanallur Police Station
Villupuram District
(Crime No.180 of 2019)

...Respondent/Respondent/Complainant

PRAYER : Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., seeking to suspend the sentence imposed upon the petitioner in Special Case No.2 of 2020 by the learned Special Judge for Electricity Act, 2003 cum Principal District Sessions Judge, Villupuram vide Judgment dated 01.09.2021 and release the petitioner on bail pending disposal on the above Criminal Appeal.

For Petitioner : Mr.R.John Sathyan

For Respondent : Mr.S.Sugendran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner in Special Case No.2 of 2020 by the learned Special Judge for Electricity Act, 2003 cum Principal District Sessions Judge, Villupuram vide Judgment dated 01.09.2021 and release the petitioner on bail pending disposal on the above Criminal Appeal.

2. The petitioner is the 1st accused in Special Case No.2 of 2020 on the file of the learned Special Judge for Electricity Act, 2003 cum Principal District Sessions Judge, Villupuram, and he was found guilty for the offences under Sections 135(i)(e) of Electricity Act 2003 and Section 304 (ii) IPC and he was convicted and sentenced as follows;



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S.No.	Conviction	Sentence
1.	Section 135(i) of Electricity Act 2003	Three years Rigorous imprisonment and to pay fine of Rs.6,861 in default to undergo simple imprisonment for 9 months
2.	Section 304 (ii) IPC	Three years rigorous imprisonment and to pay fine of Rs.6,00,000/- in default to undergo simple imprisonment for 9 months

3.The sentences were ordered to run concurrently. Aggrieved against the same, the petitioner/A1 has preferred the Criminal Appeal before this Court and pending Criminal Appeal, the Petitioner/A1 has filed the present Criminal Miscellaneous Petition, seeking for suspension of sentence.

4.The learned Counsel appearing for the petitioner would submit that the petitioner has already deposited the fine amount of Rs.6 lakhs. He would further submit that there are several arguable points and that the petitioner has got a good case for acquittal. Hence, he would pray that the substantive sentence of imprisonment imposed against the petitioner/appellant may be suspended.

5. Heard the learned Government Advocate (Crl. Side) appearing for the respondent.

6. Taking into consideration the submissions made by the learned counsel for the petitioner, this Court is inclined to suspend the substantive sentence of imprisonment.

7. Accordingly, the sentence of imprisonment imposed on the petitioner/A1 by the trial Court in Special Case No.2 of 2020 dated 01.09.2021 alone, is hereby suspended till the disposal of the appeal and the petitioner/A1 is ordered to be enlarged on bail on conditions that;

a) The petitioner is directed to execute a bond for a sum of Rs.1,00,000/- [Rupees One Lakh Only] with two sureties each for a like sum to the satisfaction of the learned Special Judge for Electricity Act, 2003 cum Principal District Sessions Judge, Villupuram.



b) The petitioner is directed to appear before the trial Court once in a week i.e., on every Monday at 10.30 a.m. pending appeal.

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-sd/-
01/10/2021

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 SPECIAL JUDGE FOR ELECTRICITY ACT,
2003 CUM PRINCIPAL DISTRICT SESSIONS JUDGE,
VILLUPURAM.

2 THE INSPECTOR OF POLICE,
ARAKANDANALLUR POLICE STATION,
VILLUPURAM DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.R.John Sathyan Advocate on payment of necessary charges

Order
in
CRL MP.9985/2021
in
CRL A.455/2021
Date :01/10/2021

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format

CSK 01/10/2021