



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.12107 of 2021

IN CRL.A.No.584 of 2021

1 BALAJI [PETITIONERS/APPELLANTS/ACCUSED]
2 NAGARAJ
3 KUMAR
S/O.KANNAN @ MANIYAKARAN
4 KUMAR
S/O.MADHU
5 SARAVANAN
6 ARAVIND
7 NEHRU
8 SENTHIL
9 SANTHIYA

Vs

STATE BY INSPECTOR OF POLICE, [RESPONDENT/COMPLAINANT]
POCHAMPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.
CRIME NO.262 OF 2008

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentence imposed on the petitiones herein by the learned Principal District and Sessions Judge, Krishnagiri, Krishnagiri District made in S.C.No.12 of 2015 by Judgement dated 28.10.2021 on her file and enlarge them on bail pending disposal of the above CRL.A.No.584 of 2021.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.M.MAHARAJA, Advocate for the Petitioner and of M/S.S.SUGENDRAN, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

The Criminal Miscellaneous Petition Crl.M.P.No.12107 of 2021 has been filed by the petitioners/accused 1 to 5 and 7 to 10, seeking suspension of sentence of imprisonment, imposed by the order dated



28.10.2021 in S.C.No.12 of 2015 on the file of the Principal District and Sessions Judge, Krishnagiri District.

2. This Court heard the learned counsel for the petitioners and also perused the materials placed on record.

3. In the impugned order, i) for the offence under Section 147 IPC, accused 3 to 5, 7 to 10 are convicted and sentenced to undergo six months R.I.,

ii) for the offence under Section 148 IPC, accused 1, 2, 9 are convicted and sentenced to undergo nine months R.I.

iii) for the offence under section 447 IPC, the accused A1 to A5 and A7 to A10 are convicted and sentenced to undergo 3 months R.I.

iv) for the offence under section 324 (2 counts) IPC, A1 is convicted and sentenced to undergo six months R.I.

v) for the offence under section 324 IPC, A9 is convicted and sentenced to undergo six months R.I.

vi) for the offence under section 3(1) of PPDL Act, A1 to A5 and A7 to A10 are convicted and sentenced to undergo one year R.I. And pay a fine of Rs.5,000/- each and in default to undergo 3 months simple imprisonment. The fine amount of Rs.40,000/- collected from the accused was ordered to be given to P.W.1 as compensation.

Vii) for the offence under sections 294(b) of IPC as against A1 to A10, Section 447 IPC as against A6, Section 506(ii) as against A2 and Section 3(1) of PPDL Act as against A2 and A6 are not proved and acquitted.

4. Learned counsel for the petitioners would submit that majority of the witnesses turned hostile and that without any legal evidence, the trial court had erred in convicting the petitioners. He would further submit that the trial Court had suspended the sentence of the petitioners till 06.12.2021. According to the learned counsel for the Petitioners/accused, there are arguable points available in the Criminal Revision Case, which is not likely to be taken for final hearing in the near future and the Petitioners/accused have got a fair chance of succeeding in the Criminal Revision Case and hence, the sentence imposed against the Petitioners/Accused may be suspended and the Petitioners may be enlarged on bail.

5. Heard the learned counsel for the petitioners and perused the materials on record.



6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioners, this Court is of the view that the sentence of imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail are granted, on the following conditions :-

i. The petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the District Munsif cum Judicial Magistrate, Pochampalli.

ii. 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.

7. The Criminal Miscellaneous Petition is ordered accordingly.

8. Notice to the respondent returnable by eight weeks.

-sd/-

01/12/2021

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 PRINCIPAL DISTRICT AND SESSIONS JUDGE,
KRISHNAGIRI, KRISHNAGIRI DISTRICT.

2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
POCHAMPALLI, KRISHNAGIRI DISTRICT.

3 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI DISTRICT. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
POCHAMPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

+2 C.C. to M/S.M.MAHARAJA, Advocate on payment of necessary
charges SR.NO.13810

Order

in
CRL MP.12107/2021
in
CRL A.584/2021

Date :01/12/2021

From 7.2.2001 the Registry is issuing certified
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RW 01/12/2021