



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

Thursday, the Eighth day of July Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.2830 of 2021

IN

CRL A(MD)No.176 of 2021

1 RAJESH KUMAR @ SURYA

2 ABDUL KARIM SHET

... PETITIONERS/ APPELLANTS/

ACCUSED NO.1 AND 2

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

APPAN THIRUPATHI POLICE STATION,

MADURAI DISTRICT.

CRIME NO.57/2016

... RESPONDENT/ RESPONDENT/

COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence and enlarge the petitioners on bail imposed on the appellants by the judgment dated 09/03/2021 made in S.C.No.473 of 2019 on the file of the I Additional Assistant Sessions Judge, Madurai.

PRAYER IN CRL A(MD)No.176 of 2021:

To call for the records relating to the judgment dated 09.03.2021 made in S.C.No.473 of 2019 on the file of I Additional Assistant Sessions Court, Madurai and set aside the conviction and sentence imposed against the Appellants/ Accused No.1 and 2 for the offences punishable under section 394 r/w 397 of IPC and sentenced to undergo 10 years R.I each and pay a fine amount of a sum of Rs.25000/- each in default to undergo 1 year S.I and allow the above appeal by acquitting the accused.

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.J.SULTHAN BASHA, Advocate for M/S.AJMAL ASSOCIATES for the petitioners and of Mr.P.KOTTAICHAMY, Counsel for State Government on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the I Additional Assistant Sessions Judge,

<https://hcservices.eports.gov.in/hcservices/>



Madurai, made in SC No.473 of 2019, dated 09.03.2021 and to enlarge the petitioners on bail pending disposal of the criminal appeal.

2.The allegation against the petitioners is that on 02.08.2016 at about 09.30 am, when the de-facto complainant along with her husband went to their job in the two wheeler, opposite to MRF Tyre Company on Alagar Kovil-Madurai Road, her chain was snatched by the accused persons. A case in Crime No.57 of 2016 under Sections 394 and 307 IPC, was registered by the respondent police and the same was taken on file, as SC No.473 of 2019 by the I Additional Assistant Sessions Judge, Madurai. The petitioners were found guilty under section 394 r/w 397 IPC and sentenced them to undergo 10 years RI each and pay a fine of Rs.25,000/- each, in default to undergo 1 year SI. Along with the appeal, this petition has been filed for suspension of sentence.

3.Heard both sides and perused the materials available on record.

4.The learned counsel appearing for the petitioners/A1 and A2 submitted that there are contradiction of evidence in respect of prosecution witnesses and the complaint was falsely given and prays that the sentence imposed against the petitioners/A1 and A2 may be suspended.

5.The learned Standing counsel appearing for the respondent/State submitted that the trial court after careful perusal of the materials available on record, convicted the petitioners and prays for dismissal of the petition.

6.It is seen from the records that the accused persons followed in their vehicle, intentionally came close to the vehicle of PW1 and the pillion rider, snatched her chain and she resisted and raised alarm and the accused dashed the de-facto complainant's vehicle and due to it, PW1 and PW2 fell down on the road and sustained injuries. Further, the accused were caught red-handed. Under these circumstances, this court is not inclined to enlarge the petitioners on bail.

7.Accordingly, this Criminal Miscellaneous Petition is dismissed.

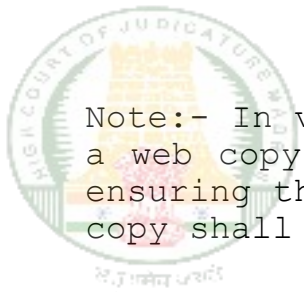
sd/-

08/07/2021

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



Note:- In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but ensuring that the copy of the order that is presented is the correct copy shall be the responsibility of the advocate/litigant concerned.

TO

1 THE I ADDITIONAL ASSISTANT SESSIONS JUDGE,
MADURAI.

2 THE INSPECTOR OF POLICE
APPAN THIRUPATHI POLICE STATION,
MADURAI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.AJMAL ASSOCIATES, Advocate SR.No.4443

ORDER

IN

CRL MP(MD) No.2830 of 2021 in
CRL A(MD)No.176 of 2021

Date :08/07/2021

ER

MS/JC/SAR-2/14.07.2021/3P.6C