



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

Monday, the Twenty Sixth day of July Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.4038 of 2021
in
Crl.RC(MD)No.389 of 2021

KUMARAKURUPARAN

... PETITIONER/ PETITIONER

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
Q BRANCH CID, PUDUKOTTAI.
CRIME NO.01/2008.

... RESPONDENT/ RESPONDENT

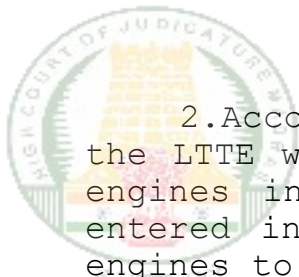
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence imposed on the Petitioner Passed in C.A No.12/2018 dated 20.02.2020 on the file of the Principal District and Sessions Court, Pudukottai Confirming the Judgment in C.C. No.164 of 2010 dated 21.02.2018 on the file of the Judicial Magistrate, Aranthangi, Pudukottai District pending disposal of the above Criminal Revision.

Prayer in Crl.RC(MD)No.389 of 2021:

To call for the records pertaining to the judgment dated 20.02.2020 passed in C.A.No.12 of 2018 on the file of the Principal District and Sessions Court, Pudukottai Confirming the Judgment dated 21.02.2018 in C.C.No.164 of 2010 on the file of the Judicial Magistrate, Aranthangi and set aside the same.

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.JAYARAMACHANDRAN, Advocate for the petitioner and of Mr.RMS.SETHURAMAN, 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 on the petitioner in C.A No.12 of 2018, dated 20.02.2020 on the file of the Principal District & Sessions Judge, Pudukottai, confirming the judgment made in CC No.164 of 2010, dated 21.02.2018 on the file of the Judicial Magistrate, Aranthangi, Pudukottai District, pending disposal of the above criminal



2. According to the prosecution, when the banned Organisation the LTTE was functioning in Sri Lanka, wanted to purchase the boat engines in Tamil Nadu and for that purpose, the accused persons entered into a criminal conspiracy and tried to smuggle the boat engines to Sri Lanka.

3. The trial court, after proper appreciation of the entire materials available on record, both oral and documentary found the petitioner/A1 along with A2 and A3 guilty under sections 120-B, and 13(2) of Unlawful Activities (Prevention) Act and convicted and sentenced them to undergo RI for the period of two years and imposed a fine of Rs.1,000/-, in default SI for one month for the offence under section 120(B) IPC and 2 years RI and imposed a fine of Rs.1000/-, in default SI for one month for the offence under section 13(2) of Unlawful Activities (Prevention) Act and the said judgment was also confirmed by the first appellate court. Aggrieved by the judgments of the courts below, the appellant/A1 is before this court. Along with appeal, this petition has been filed seeking suspension of sentence.

4. The learned counsel appearing for the petitioner/A1 submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

5. The learned Standing Counsel appearing for the State/respondent submitted that after proper appreciation of the facts and circumstances of the case, the courts below have rightly convicted the petitioner/A1 along with other accused persons and prays for dismissal of this petition.

6. It is seen from the records that on the date of the occurrence, A1 tried to flee from the place of occurrence and on suspension, he was arrested by the police and he gave confession statement in the presence of PW4 and Gajendran. In this case, A2 introduced one Arivu to A1. Further, in this case, A1 and A2 purchased 5 Yamaha boat engines with a motive to smuggle the engines for motor boats to LTTE, a banned Organisation in India. Further perusal of the records, the receipt for the purchase of engines is in the name of the petitioner. Hence, this court is of the view that if the petitioner is enlarged on bail, he will continue the similar type of offence. Therefore, this Court is not inclined to grant suspension of sentence to the petitioner.

7. In fine, this Criminal Miscellaneous Petition is dismissed.

sd/-
26/07/2021

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/ /2021

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



TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
PUDUKOTTAI

2 THE JUDICIAL MAGISTRATE,
ARANTHANGI, PUDUKOTTAI DISTRICT.

3 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

4 THE SUPERINTENDENT, CENTRAL PRISON,
TRICHY.

5 THE INSPECTOR OF POLICE,
Q BRANCH CID, PUDUKOTTAI.

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

ORDER

IN

CRL MP(MD) No.4038 of 2021

IN Cr1.RC(MD)No.389 of 2021

Date :26/07/2021

er

MS/VR/SAR-2/10.08.2021/3P.6C