



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

Friday, the Seventeenth day of September Two Thousand and Twenty One

PRESENT

**The Hon`ble Mrs.Justice T.KRISHNAVALLI**

CRL MP(MD) No.6654 of 2021  
in  
CRL.A.(MD)No.371 of 2021

1 KANNAN  
2 ARUMUGAM

... APPELLANTS/ APPELLANTS/  
ACCUSED NO.1 & 2

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
KARUPPAYURANI POLICE STATION,  
MADURAI DISTRICT.  
(IN CRIME NO.3 OF 2014)

... 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 imposed in Judgment dated 25.08.2021 made in Spl CC No.2 of 2021 on the file of the Special court to deal with the cases of offences in contravention of the provision of the Mines and Minerals (D and R) Act, 1957, Madurai and enlarge the petitioners on bail.

**PRAYER IN CRL.A.(MD)No.371 of 2021:**

To call for the records and to set aside the judgment dated 25.08.2021 made in Special C.C No.2 of 2021 on the file of the Special court to deal with the cases of offences in contravention of the Provision of the Mines and Minerals (D and R) Act, 1957, Madurai.

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.C.MAYILVAHANA RAJENDRAN, Advocate for the Appellants and of Mr.RMS.SETHURAMAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the Special Court to deal with the Cases of



Offences in Contravention of the Provision of the Mines and Minerals (D&R) Act, 1957, Madurai, dated 25.08.2021 in Spl.C.C.No.2 of 2021 and enlarge the petitioners on bail.

2.The learned counsel for the petitioners submitted that the first petitioner has been convicted by the learned trial judge, for the alleged offence under Section 379 IPC and sentenced him to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.5,000/-, in default to undergo rigorous imprisonment for a period of three months and the second petitioner has been convicted by the learned trial Judge, for the alleged offence under Section 379 IPC and sentenced him to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.20,000/-, in default to undergo rigorous imprisonment for a period of six months in Spl.C.C.No.2 of 2021 on the file of the Special Court to deal with the Cases of Offences in Contravention of the Provision of the Mines and Minerals (D&R) Act, 1957, Madurai.

3.It is submitted by the learned counsel for the petitioners that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. The learned counsel for the petitioners further submitted that suspension of sentence has already been granted by the trial court till 23.09.2021.

4.It is submitted by the learned Additional Public Prosecutor that there are enough materials available on record against the petitioners as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and he strongly opposed to grant suspension of sentence.

5.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6.The learned counsel for the petitioners pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioners herein are entitled to the relief of grant of suspension of sentence.

7.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioners are directed to be enlarged on bail on condition that each petitioner 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 Special



Provision of the Mines and Minerals (D&R) Act, 1957, Madurai, and on further condition that the petitioners shall appear before the said Court daily at 10.30 a.m. pending appeal.

sd/-  
17/09/2021

WEB COPY

/ TRUE COPY /

/ /2021

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 SPECIAL JUDGE TO DEAL WITH THE CASES  
OF OFFENCES IN CONTRAVENTION OF THE PROVISION  
OF THE MINES AND MINERALS (D AND R) ACT, 1957,  
MADURAI.
- 2 THE INSPECTOR OF POLICE,  
KARUPPAYURANI POLICE STATION,  
MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL MP(MD) No.6654 of 2021 in  
CRL.A.(MD)No.371 of 2021  
Date :17/09/2021

vsd  
MS/VR/SAR-2/20.09.2021/3P.4C