



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

Thursday, the Twenty Third day of December Two Thousand and Twenty One

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.11790 of 2021
in
CRL A(MD) No.542 of 2021

ILAYARAJA ... PETITIONER/APPELLANT/SOLE ACCUSED

Vs

STATE REP BY,
THE INSPECTOR OF POLICE
THALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO. 202 OF 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 setence and enlarge the petitioner on bail imposed on the appellant by the judgment dated. 02.12.2021 made in S.C. No. 17 of 2017 on the file fo the Principal District Court, Srivilliputhur, Virudhunagar District at Srivilliputhur.

Prayer in CRL A(MD) No.542 of 2021:

To call for the records to the judgment dated 02.12.2021 made in S.C.No.17 of 2017 on the file of Principal District Court, Virudhunagar District at Srivilliputhur and set aside the conviction and sentence imposed against the appellants/accused and allow 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.FAZIL KIRMANI.B, Advocate for the petitioner and of MR.K.SANJAY GANDHI, Government Advocate on behalf of the Respondent, while admitting the WA., the court made the following order:-

This petition has been filed to suspend the sentence imposed against the petitioner in S.C.No.17 of 2017, on the file of the Principal District Court, Virudhunagar District at Srivilliputhur, dated 02.12.2021 and to enlarge the petitioner on bail till the disposal of the Appeal.



2.The case against the petitioner is that on 20.05.2016 when the complainant /Muthukumar was supervising the cleaning work, the petitioner restrained him, asked money for purchasing liquor, scolded him in filthy language, snatched the pipe lines and damaged pipe lines worth about Rs.900.45 and further threatened one Devika and Subbulakshmi that he will murder them. A case in Crime No. 202 of 2016, under Sections 341, 294(b), 506 (i) I.P.C. r/w. Section 3 (1) of TNPPDL Act, was registered against the petitioner and the case was taken on file as S.C.No.17 of 2017 by the Principal District Court, Virudhunagar District at Srivilliputhur,. The Principal District Court has found the petitioner guilty under Section 3(ii) of TNPPDL Act, and sentenced him to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo a further period of three months simple imprisonment. The Principal District Court has acquitted the petitioner under Sections 341, 294(b) and 506(ii) I.P.C. Against the conviction and sentence, the petitioner filed an Appeal in Crl.A.(MD)No.542 of 2021. Along with the appeal, he has filed the present application for suspension of sentence pending disposal of the said appeal.

3.On the side of the petitioner, it is stated that the fine amount was paid and the sentence is suspended by the trial Court till 28.12.2021. The petitioner was enjoying the bail through out the trial. There are much more points for consideration in the main Appeal and prayed the sentence to be suspended.

5.On the side of the prosecution, it is stated that the petitioner is the sole accused. P.W.1 to P.W.4 were eye witnesses. P.W.6 has issued damage certificate. The prosecution has examined 12 witnesses and marked 6 documents and one material object. The prosecution has proved the case beyond all reasonable doubts and prayed the petition to be dismissed.

6. It is seen that the petitioner was enjoying the bail through out the trial and the sentence imposed by the trial Court was suspended till 28.12.2021. Considering the facts and circumstances of the case, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

7.Accordingly, the substantive sentence of imprisonment alone is suspended till the disposal of the appeal and the petitioners ordered to be released on bail on the following conditions:

(i)the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Principal District Court, Virudhunagar District at Srivilliputhur,

(ii)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;



(iii) the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the appeal or until further orders.

sd/-
23/12/2021

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/ /2021

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

TO

- 1 THE PRINCIPAL DISTRICT JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 2 THE INSPECTOR OF POLICE,
THALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.11790 of 2021
in
CRL A(MD) No.542 of 2021
Date :23/12/2021

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JM-PN/SAR 4/23.12.2021/3P-4C