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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.M.P.No.5207 of 2022

in

Cr1.A.No.424 of 2022

1.Selvaseeman
2.Rajkamal
3.Jagadesan
4.Kuppusamy
5.Naveenraj
6.Karthick
7.Madan
8.Thulasi
9.Sudhakar
10.Alexandar
11.Irusan

...Petitioners/Accused 1 to 6, 14,15,16,18 & 19

Vs.

State, represented by
Inspector of Police,
Mylam Police Station,
Villupuram District
Crime No.277 of 2016

... Respondent

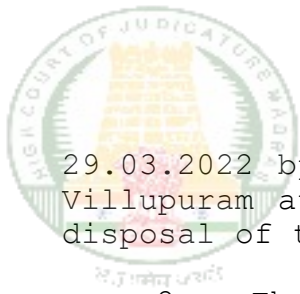
PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C to suspend the sentence of imprisonment imposed by the learned II Additional District and Sessions Judge, Villupuram at Tindivanam in S.C.No.38 of 2019 dated 29.03.2022 and enlarge the petitioners on bail pending disposal of Cr1.A.No.424 of 2022

For Petitioners : Mr.R.Sankarasubbu

For Respondent : Mr.Leonard Arul Joseph Selvam,
Government Advocate (crl.side)

O R D E R

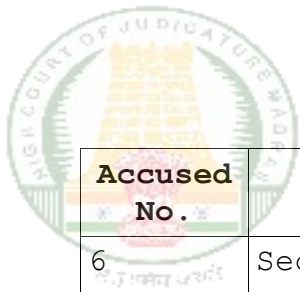
This Criminal Miscellaneous Petition has been filed by the petitioners/Accused 1 to 6, 14,15,16,18 & 19, seeking to suspend the sentence of imprisonment imposed upon them in S.C.No.38 of 2019 dated



29.03.2022 by the learned II Additional District and Sessions Judge, Villupuram at Tindivanam and enlarge the petitioners on bail pending disposal of the above criminal appeal.

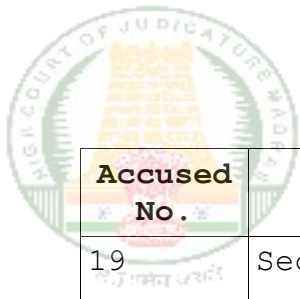
2. The petitioners herein are the accused 1 to 6, 14,15,16,18 & 19 in S.C.No.38 of 2019 on the file of the learned II Additional District and Sessions Judge, Villupuram at Tindivanam. They were found guilty of the offence under Sections 147, 148, 341, 294(b), 323, 324, 307, 427, 506(ii), 149, 120(b), 109 of IPC r/w Section 3(1) PPDL Act respectively and they have been convicted and sentenced as under:

Accused No.	Conviction	Sentence
1	Section 148 r/w 109 of IPC	to undergo one year simple imprisonment and to pay a fine of Rs.1,000/-, in default to undergo six months simple imprisonment
2	Section 148 r/w 109 of IPC	to undergo one year simple imprisonment and to pay a fine of Rs.1,000/-, in default to undergo six months simple imprisonment
3	Section 148 of IPC Section 341 of IPC Section 323 of IPC	to undergo one year simple imprisonment and to pay a fine of Rs.1,000/-, in default to undergo six months simple imprisonment to pay a fine of Rs.500/-, in default to undergo one month simple imprisonment to undergo one year simple imprisonment and to pay a fine of Rs.1,000/-, in default to undergo six months simple imprisonment
4	Section 148 of IPC Section 341 of IPC	to undergo one year simple imprisonment and to pay a fine of Rs.1,000/-, in default to undergo six months simple imprisonment to pay a fine of Rs.500/-, in default to undergo one month simple imprisonment
5	Section 148 of IPC Section 341 of IPC	to undergo one year simple imprisonment and to pay a fine of Rs.1,000/-, in default to undergo six months simple imprisonment to pay a fine of Rs.500/-, in default to undergo one month simple imprisonment



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Accused No.	Conviction	Sentence
6	Section 148 of IPC Section 341 of IPC Section 294(b) of IPC	to undergo one year simple imprisonment and to pay a fine of Rs.1,000/-, in default to undergo six months simple imprisonment to pay a fine of Rs.500/-, in default to undergo one month simple imprisonment to pay a fine of Rs.500/-, in default to undergo one month simple imprisonment
14	Section 148 of IPC Section 341 of IPC	to undergo one year simple imprisonment and to pay a fine of Rs.1,000/-, in default to undergo six months simple imprisonment to pay a fine of Rs.500/-, in default to undergo one month simple imprisonment
15	Section 148 of IPC Section 341 of IPC	to undergo one year simple imprisonment and to pay a fine of Rs.1,000/-, in default to undergo six months simple imprisonment to pay a fine of Rs.500/-, in default to undergo one month simple imprisonment
16	Section 148 of IPC Section 341 of IPC	to undergo one year simple imprisonment and to pay a fine of Rs.1,000/-, in default to undergo six months simple imprisonment to pay a fine of Rs.500/-, in default to undergo one month simple imprisonment
18	Section 148 of IPC Section 341 of IPC	to undergo one year simple imprisonment and to pay a fine of Rs.1,000/-, in default to undergo six months simple imprisonment to pay a fine of Rs.500/-, in default to undergo one month simple imprisonment



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Accused No.	Conviction	Sentence
19	Section 148 of IPC Section 341 of IPC	to undergo one year simple imprisonment and to pay a fine of Rs.1,000/-, in default to undergo six months simple imprisonment to pay a fine of Rs.500/-, in default to undergo one month simple imprisonment
Sentences ordered to run concurrently		

Aggrieved over the same, the present appeal has been filed along with the instant miscellaneous petition seeking suspension of sentence and bail.

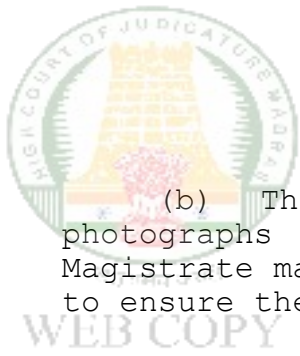
3. According to the learned counsel for the petitioners/accused 1 to 6, 14,15,16,18 & 19, there are arguable points available in the Criminal Appeal and the petitioners/accused 1 to 6, 14,15,16,18 & 19 have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the Petitioners/accused 1 to 6, 14,15,16,18 & 19 may be suspended.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing the petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

6. Considering the facts and circumstances of the case, also considering the submissions of the learned counsel for the petitioners and the learned Government Advocate (crl.side) appearing for the respondent police, further this criminal appeal is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone 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:

(a) The petitioners/accused 1 to 6, 14,15,16,18 & 19 are ordered to be released on bail, on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) (each) with two sureties each for a like sum to the satisfaction of the learned II Additional District and Sessions Judge, Villupuram at Tindivanam



(b) The petitioners and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioners 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 criminal appeal and if they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.

7. With the above directions, this Criminal Miscellaneous Petition is ordered.

-sd/-
20/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE II ADDITIONAL DISTRICT
AND SESSIONS JUDGE,
VILLUPURAM AT TINDIVANAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MYLAM POLICE STATION,
VILLUPURAM DISTRICT.

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



+1 C.C. to M/S R.SANKARASUBBU Advocate on payment of necessary charges SR.NO. 5893

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Order

in
CRL MP.5207/2022

in
Crl.A.No.424 of 2022

Date :20/04/2022

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RW 20/04/2022