



Crl.MP.No.18748 of 2022 in
Crl.A.No.1239 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.18748 of 2022 in

Crl.A.No.1239 of 2022

1. Chinnasamy, M/52 years, S/o Ramasay

2. Suresh, M/32 years, S/o Raji

... Petitioners

Vs.

State Rep. by the Inspector of Police,
Veeraganoor Police Station,
Salem District, Crime No.218 of 2007)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 398(1) Criminal Procedure Code to suspend the sentence of the petitioners to undergo 6 months each Simple Imprisonment for offence under Section 147 IPC and 2 years of Simple Imprisonment each for the offence under Section 21(1) r/w Section 4(1) and (1-A) of the Mines and Minerals (Development and Regulations) Act, 1957 passed by the learned Principal District and Sessions Judge, Salem by judgment dated 02.11.2022 in S.C.No.295 of 2010, pending disposal of the above Criminal Appeal.



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For Petitioners : Mr.S.Mouli

For Respondent : Mr.C.E.Pratap
Gov. Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of the petitioners to undergo 6 months each Simple Imprisonment for offence under Section 147 IPC and 2 years of Simple Imprisonment each for the offence under Section 21(1) r/w Section 4(1) and (1-A) of the Mines and Minerals (Development and Regulations) Act,1957 passed by the learned Principal District and Sessions Judge, Salem by judgment dated 02.11.2022 in S.C.No.295 of 2010, pending disposal of the above Criminal Appeal.

2.Totally there are nine accused and the petitioners herein are A1 and A2. The case of the prosecution is that, the petitioners along with other accused tried to transport river sand in a Tractor and while the same was interrupted by the officials, the first petitioner moved the Tractor and hit the de-facto complainant, thereby he fell down and further, the petitioners along

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with other accused assaulted and threatened the de-facto complainant with dire consequences.

3. It is the case of the petitioners that, the prosecution has not proved its case with relevant evidence and documents and even the examined witnesses also not supported the case of the prosecution.

4. After Trial, the Trial Court convicted and sentenced the petitioners to undergo 6 months each Simple Imprisonment for the offence under Section 147 IPC; and 2 years of Simple Imprisonment each and to pay a fine of Rs.10,000/- each, in default, to undergo further period of six months each simple imprisonment for the offence under Section 21(1) r/w Section 4(1) and (1-A) of the Mines and Minerals (Development and Regulations) Act,1957. Challenging the conviction and sentence slapped by the Trial Court, the petitioners are before this Court.

5. The learned counsel for the petitioners submitted that there are arguable points in this appeal and hence, prayed for suspension of sentence.

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6. The petitioners have raised substantial grounds in this Criminal Appeal which require detailed appraisal. Further, the Criminal Appeal is not likely to be taken up in the near future. Therefore, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioners shall surrender before the Trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioners are ordered to be released on bail on their executing ***a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Salem.***

(ii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Trial Court may



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(iii) The petitioners shall appear before the Trial Court on the first working day of every month until the disposal of the Criminal Appeal.

09.12.2022

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mst

Note : Issue Order Copy on 12.12.2022

To

1. The Principal District and Sessions Judge,
Salem.
2. The Inspector of Police,
Veeraganoor Police Station,
Salem District.
3. The Public Prosecutor, Madras High Court,
Chennai.



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V.SIVAGNANAM, J.,

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