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Crl.M.P.No.19446 of 2022 in Crl.A.No.1148 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.19446 of 2022

in

Crl.A.No.1148 of 2022

Elakiyaraj

... petitioner

/vs/

The Inspector of Police,
Thiruvankadu Police Station,
Mayiladuthurai District.

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(1) of Cr.P.C., to suspend the sentence imposed on the appellant herein by the Additional District and Sessions Judge, Mayiladuthurai in S.C.No.58 of 2019, dated 17.08.2022 pending disposal of the above Criminal Appeal.

For petitioner

... Mr. R. Shivakumar
for M/s.K.M.Vijayan Associates

For Respondent

... Mr.C.E.Pratap, GA (crl.side)

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the appellant herein by the Additional District and Sessions Judge, Mayiladuthurai in S.C.No.58 of 2019, dated 17.08.2022 pending disposal of the above Criminal Appeal.



2. The petitioner, who is the sole accused in S.C.No.58 of 2019 was convicted and sentenced by the Additional District and Sessions Judge, Mayiladuthurai as follows:

<i>petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole Accused	Sec.294(b) IPC	To a fine of Rs.1000/-, in default in payment of fine, to undergo one month RI
	Sec. 353 IPC	To undergo one year RI
	Sec.506(ii) IPC	To undergo 5 years RI
	Sec.392 IPC	To undergo 7 years RI and to pay a fine of Rs.5000/-, in default in payment of fine, to undergo six more months RI
	Sec.3(1) of TNPPDL Act	To undergo 3 years RI and to pay a fine of Rs.1000/-, in default in payment of fine, to undergo one more month RI

3. Aggrieved over the same, the petitioner has preferred the present criminal appeal along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. Heard the learned counsel appearing for the petitioner and the learned Govt. Advocate (crl.side) appearing for the State.

5. The learned counsel for the petitioner submitted that there are arguable points in this appeal and the petitioner has a good and fair chance of success in this appeal. He would further submit that the fine amount was



already paid and the petitioner is now confined in prison. Thus, he prayed for suspension of sentence imposed on the petitioner till the disposal of this Criminal appeal.

6. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

7. Accordingly, the relief of suspension of sentence alone is granted on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties, each, for a likesum to the satisfaction of the Additional District and Sessions Judge, Mayiladuthurai.
- (ii) The petitioner and the sureties shall affix their photograph and Left Thumb Impression in the bond and the Trial Court may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.
- (iii) The petitioner shall appear before the trial Court as and when



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required.

22.12.2022

msr

Note : Issue Today

To

1. The Additional District and Sessions Judge,
Mayiladuthurai.
2. The Superintendent, Central Prison, Cuddalore.
3. The Inspector of Police,
Thiruvankadu Police Station,
Mayiladuthurai District.
4. The Public Prosecutor
High Court, Madras

Note : Issue Today



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V.SIVAGNANAM, J.

msr

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22.12.2022