



Crl.M.P.No.19397 of 2022 in Crl.RC.No.1196 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2022

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.19397 of 2022

in

Crl.A.No.1196 of 2022

1. Gunasekaran
2. Usha
3. Chinna Munusamy
4. Thiyagarajan

... petitioners

/vs/

The Inspector of Police,
Perambur 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 petitioners by the Additional District and Sessions Judge, Mayiladuthurai in S.C.No.80 of 2016 dated 19.10.2022 and grant bail pending disposal of the above Criminal Appeal.

For petitioners ... 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 petitioners by the Additional District



and Sessions Judge, Mayiladuthurai in S.C.No.80 of 2016, dated 19.10.2022

and grant bail pending disposal of the above Criminal Appeal.

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2. Totally there are seven accused in S.C.No.80 of 2016 on the file of Additional District and Sessions Judge, Mayiladuthurai. The trial court, by its judgment dated 19.10.2022, convicted and sentenced the accused as follows:

<i>petitioners' Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A1 to A7	Section 147 IPC	To undergo 1 year RI
	Section 452 IPC	To undergo 5 years RI along with fine of Rs.2000/- each, in default in payment of fine, to undergo three more months RI
	Section 379 IPC	To undergo 2 years RI
	Section 436 IPC	To undergo 7 years RI along with fine of Rs.5000/- each, in default in payment of fine, to undergo six more months RI
	Section 3(1) TNPPDL Act	To undergo 3 years RI along with fine of Rs.1000/- each, in default in payment of fine, to undergo two more months RI u/s.235(2) Cr.P.C.

For each of the accused, the sentence imposed for all the offences were ordered to run concurrently.

3. Aggrieved over the same, the petitioners who are arrayed as A1, A5 to A7 in S.C.No.80 of 2016 have preferred the present criminal revision along with the instant miscellaneous petition, seeking suspension of sentence



and bail.

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

5. The learned counsel for the petitioners submitted that there are arguable points in this revision and the petitioners have a good and fair chance of success in this revision. He would further submit that the fine amount was already paid and the petitioners are now confined in prison from 19.10.2022. Thus, he prayed for suspension of sentence imposed on the petitioners till the disposal of this Criminal revision.

6. The petitioners have raised substantial grounds in the revision which require detailed appraisal. Further, the revision 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 petitioners are 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) Each of petitioners shall execute a bond for a sum of



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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 petitioners 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.

22.12.2022

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Note : Issue Today

To

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

V.SIVAGNANAM, J.



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