



Crl.M.P.No.20032 of 2022 in Crl.A.No.1315 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2022

CORAM

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Crl.M.P.No.20032 of 2022

in

Crl.A.No.1315 of 2022

Periya Munusamy

...

petitioner

/versus/

The Inspector of Police,
Perambur Police Station,
Mayiladuthurai.
(Crime No.58 of 2014)

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(1) r/w.439 of Cr.P.C., to suspend the sentence of imprisonment imposed in the judgment dated 19.10.2022 made in S.C.No.80 of 2016 on the file of the Additional District and Sessions Judge, Mayiladuthurai, and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

For petitioner

... Mr.P.Anbazhagan

For Respondent

... Mr.L.Baskaran,
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner/appellant for the offences



punishable under Sections 147, 452, 379, 436 IPC and Section 3(1) of TNPPDL Act, by Additional District and Sessions Judge, Mayiladuthurai, in S.C.No.80 of 2016 and enlarge him on bail pending disposal of the above Criminal Appeal.

2. The petitioner who is the sole accused in S.C.No.80 of 2016 was convicted and sentenced by the Additional District and Sessions Judge, Mayiladuthurai, as follows:

<i>petitioners's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Accused 1 to 7	Section 147 IPC	to undergo 1 (one) year rigorous imprisonment
	Section 452 IPC	to undergo 5 (five) years rigorous imprisonment along with fine of Rs.2,000/- each in default of payment of fine three more month rigorous imprisonment.
	Section 379 IPC	to undergo two years rigorous imprisonment.
	Section 436 IPC	To undergo 7 (seven) years rigorous imprisonment along with fine of Rs.5000/- each in default of payment of fine six more months rigorous imprisonment
	Section 3(1) of TNPPDL Act	To undergo three years rigorous imprisonment along with fine of Rs.1000/- each in default of payment of fine two more months rigorous



<i>petitioners's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
		imprisonment u/s 235(2) Cr.P.C. Further, it is ordered to set off the imprisonment already undergone by the all accused for this case and it is also ordered to run the all above sentences concurrently. Further, it is ordered to retain the bike and other articles under items No.1 to 13 as per C.P.No.38 of 2015 on the file of the Principal Sub Court by the PW4 Natarajan who already received the same temporarily as per order in Cr.M.P.No.1143 of 2015 permanently after the lapse of appeal time and the bond executed by his is stands cancelled and if there is any appeal dispose it according to direction. (Total fine for each accused is Rs.8000/-)

3. Aggrieved over the conviction and sentence imposed by the learned trial Judge, 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 appellant and the learned Govt. Advocate (Crl.Side) appearing for the State.

5. The learned counsel for the appellant submitted that there are



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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 appellant till the disposal of the 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 appellant 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 like sum to the satisfaction of the learned 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



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when required.

28.12.2022

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Note : Issue Order copy on 30.12.2022.

To

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

A.A.NAKKIRAN.J,



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