



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Seventh day of February Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

WEB COPY

CRL MP(MD) No.1830 of 2022

IN

CRL A(MD) No.486 of 2021

GOPAL

... PETITIONER/ APPELLANT

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KAMUTHI POLICE STATION, RAMANTHAPURAM DISTRICT
(CRIME NO.175 OF 2016)

... RESPONDENT/ RESPONDENT

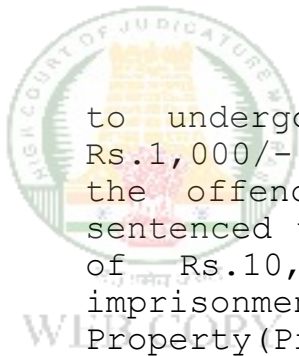
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence imposed on the petitioner by the Prinicipal District Sessions Court, Ramanthapuram in S.C. No. 185 of 2017, dated 13.10.2020 and enlarge the petitioner/appellant on bail, pending disposal of the above said Crl.A.

Prayer in CRL A(MD) No.486 of 2021:

To admit the appeal and call for the records of the case in S.C.No.185 of 2017 on the file of the Principal District Sessions Court, Ramanathapuram Dated 13.10.2020 and set aside the conviction and sentence passed by the Principal District and Sessions Court, Ramanathapuram and acquit the Appellant/Sole Accused.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.K.R.LAZMAN, Advocate for the petitioner and of MR.S.MANIKANDAN, Government Advocate (Crl. Side) on behalf of the Respondent, the court made the following order:-

The petitioner was convicted for the offences under Sections 188, 294(b), 353, 307, 450 of IPC and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 and Sections 132 and 134 B of Peoples Representation Act, 1951 by judgment dated 13.10.2020 in S.C.No.185 of 2017 on the file of the learned Principal District Sessions Court, Ramanathapuram. He is sentenced to pay a fine of Rs.5,00/- in default to undergo 15 days simple imprisonment for the offence under Section 294(b) IPC. The petitioner is sentenced to undergo six months simple imprisonment and pay a fine of Rs.5,00/- in default to undergo 15 days simple imprisonment for the offence under Section 353 IPC. The petitioner is sentenced to undergo three years rigorous imprisonment and pay a fine of Rs.5,000/- in default to undergo three months imprisonment for the offence under Section 307 IPC. The petitioner is sentenced



to undergo six months simple imprisonment and pay a fine of Rs.1,000/- in default to undergo one month simple imprisonment for the offence under Section 451 IPC. The petitioner is also sentenced to undergo one year simple imprisonment and to pay a fine of Rs.10,000/- in default to undergo three months simple imprisonment for the offence under Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992. The petitioner is also sentenced to undergo three months simple imprisonment and to pay a fine of Rs.500/- in default to undergo 15 days simple imprisonment for the offence under Section 134(b) of Peoples Representation Act, 1951. The Trial Court ordered to run the sentence of imprisonment concurrently. Hence, the petitioner seeks suspension of sentence.

2.The learned counsel appearing for the petitioner would submit that the petitioner is now confined in Central Prison, Madurai.

3.Heard the submissions of the learned Government Advocate (Criminal Side).

4.The earlier order of this Court vide order dated 30.11.2021, dismissed the suspension of sentence application. On the ground that the pronouncement of Judgment on 13.10.2020 and the accused was surrendered on 16.09.2021. The learned counsel for the petitioner clarified that on the date of Judgment dated 13.10.2020, he was very much present and suspension of sentence allowed till 18.11.2020. Though the petitioner filed the present appeal in time, he could not move the suspension of sentence due to corona pandemic circumstances.

4.Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the period of incarceration, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Principal District Sessions Court, Ramanathapuram and on further condition that the petitioner shall appear before the said Court once in a month, pending disposal of the appeal.

sd/-
07/02/2022

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/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

- 1 THE PRINCIPAL DISTRICT SESSIONS JUDGE,
RAMANATHAPURAM DISTRICT.
- 2 THE INSPECTOR OF POLICE
KAMUTHI POLICE STATION, RAMANTHAPURAM DISTRICT
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP (MD) No.1830 of 2022
IN
CRL A (MD) No.486 of 2021
Date :07/02/2022

SN
MK/VR/SAR.I/09.02.2022/3P/5C