



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

Wednesday, the Sixteenth day of March Two Thousand and Twenty Two

PRESENT

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

CRL MP(MD) No.3482 of 2022
IN
CRL A(MD) No.216 of 2022

SARAVANAN

... PETITIONER/APELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.298/2014)

... 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 in Spl.CC No.124/2021 passed by the Learned Special District Judge to deal with the cases of offences in Contravention of the Provisions of Mines and Mineral(D and R) Act, 1957, Madurai dated 28/01/2022 and enlarge petitioner on bail pending disposal of the above Criminal Appeal.

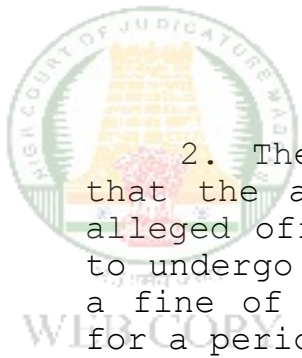
Prayer in CRL A(MD). 216/ 2022 :

Pleased to call for the records relating to the judgment passed in Special C.C.No.124 of 2021 by the Special District Judge to deal with the cases of offences in contravention of the Provisions of the Mines and Minerals (D&R) Act, 1957, Madurai dated 28.01.2022 and set aside the same.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.VEERAKUMAR.T, Advocate for the petitioner and of M/s.M.AASHA, Government Advocate(crl.side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous petition has been filed to suspend the sentence passed in Spl.C.C.No.124 of 2021, dated 28.01.2022 on the file of the learned Special District Court to deal with the cases of Offences in contravention of the provisions of the Mines and Minerals (D & R) Act, 1957, Madurai, pending disposal of the Criminal Appeal.

<https://hcservices.ecourts.gov.in/hcservices/>



2. The learned counsel appearing for the appellant submitted that the appellant has been convicted by the Trial Court for the alleged offences punishable under Sections 379 I.P.C and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.5,000/-, in default, to undergo rigorous imprisonment for a period of three months.

3. Being dissatisfied with the said conviction and sentence, the appellant has preferred the present Criminal Appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel appearing for the appellant submitted that there are several infirmities in the prosecution case and further, there are contradictions in material particulars between the evidence of the prosecution witnesses.

5. Mrs.M.Aasha, learned Government Advocate (Crl. Side) appearing for the respondent submitted that there are enough materials available on record against the appellant and hence, she strongly opposed to grant suspension of sentence.

6. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

7. The learned counsel appearing for the appellant pointed out certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the appellant herein is entitled to the relief of grant of suspension of sentence.

8. Accordingly, the relief of suspension of sentence and bail is granted to the appellant on the following conditions:-

"(i) The appellant shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood relative sureties, each for a like sum to the satisfaction of the learned Special District Judge to deal with the cases of Offences in contravention of the provisions of the Mines and Minerals (D & R) Act, 1957, Madurai.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and



(iii) The appellant shall appear before the respondent daily at 10.30 a.m until further orders."

sd/-
16/03/2022

WEB COPY

/ TRUE COPY /

/03/2022

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

TO

- 1 THE JUDGE,
SPECIAL DISTRICT COURT TO DEAL WITH THE CASES OF OFFENCES
IN CONTRAVENTION OF THE PROVISIONS OF THE MINES AND MINERALS
(D&R) ACT, 1957,
MADURAI.
- 2 THE INSPECTOR OF POLICE
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 cc to Mr.T.VEERAKUMAR, Advocate, SR.No.2125 (Date:17/03/2022)

ORDER

IN

CRL MP(MD) No.3482 of 2022

IN

CRL A(MD) No.216 of 2022

Date :16/03/2022

SA/PN/SAR.3/16.03.2022/3P/4C