



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

Friday, the Eighteenth day of March Two Thousand and Twenty Two

PRESENT

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

CRL MP(MD) No.3614 of 2022

IN

CRL A(MD) No.227 of 2022

NADUPANDI

... PETITIONER/ SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
USILAMAPATTI TALUK POLICE STATION,
MADURAI DISTRICT
(CRIME NO. 233 OF 2013)

... RESPONDENT/ COMPLAINANT

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 of imprisonment imposed by the learned Special Court to deal with the cases of offences in Contravention of the Provisions of the Mines and Minerals (D and R) Act 1957, Madurai in Spl.C.C.No. 194 of 2021 by the judgement of dated 28.12.2021 and enlarge the Petitioner /Appellant on bail, Pending disposal of the above said Criminal Appeal.

Prayer in CRL A(MD) No.227 of 2022:

To call for the records and to set aside the Judgment and Conviction dated 28.12.2021 by the Learned Special Court to deal with the cases of Offences in Contravention of the Provisions of the Mines and Minerals (D&R) Act, 1957, Madurai in Spl.Calendar Case No.194 of 2021 and acquit the Appellant.

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.S.MAHENDRAPATHY, Advocate for the petitioner and of M/S.M.AASHA, Government Advocate (Crl. Side) on behalf of the Respondents, While admitting Crl.A., the court made the following order:-

This petition has been filed praying to suspend the sentence imposed against the petitioner in Spl.C.C. No.194 of 2021 by the Special 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 case of the prosecution is that on 27.11.2013 at about 12.30 hrs the Special Sub Inspector of Police along with Head Constables while on their routine rounds at E.Pudupatti-Sadayandipatti Road near Pothiraj Poultry Farm found the accused coming from south towards north in a tractor bearing Reg. No. TN 46 B 2073 attached with trailer laden with sand. When the respondent police questioned regarding any permit for raising and transporting sand, it came to light that the accused had illegally transported sand from Asuvamaanathy Odai(brook) without any permit from the authorities concerned. Hence the case came to be registered in Crime No.233 of 2013 for the offence under Section 379 of IPC and after completing enquiry the respondent police filed charge sheet in Spl.C.C. No.194 of 2021 on the file of the Special Court to deal with the cases of offences in Contravention of the provisions of the Mines and Minerals (D&R) Act, 1957, Madurai. After trial the accused was found guilty and sentenced to undergo Rigorous Imprisonment for a period of two years and to pay a fine of Rs.5000/- in default to undergo Rigorous Imprisonment for a period of three months.

3.Considering the nature of the offence alleged to have been committed by the petitioner/appellant and also quantum of punishment imposed against him, this Court is of the view to suspend the sentence imposed in Spl.C.C. No.194 of 2021 till the disposal of Criminal Appeal No.227 of 2022 and also decided to grant bail subject to the following conditions.

4.In fine, this petition is allowed and the sentence imposed in Spl.C.C. No.194 of 2021 is alone suspended till the disposal of Criminal Appeal No.227 of 2022 and the petitioner shall be released on bail on executing a bond to the tune of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the Special Court to deal with the cases of offences in Contravention of the provisions of the Mines and Minerals (D&R) Act, 1957, Madurai.. The petitioner is directed to report before the Special Court to deal with the cases of offences in Contravention of the provisions of the Mines and Minerals (D&R) Act, 1957, Madurai daily at 10.30 a.m., until further orders.

sd/-
18/03/2022

/ TRUE COPY /

18/03/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDGE,
SPECIAL COURT TO DEAL WITH THE CASES OF
OFFENCES IN CONTRAVENTION OF THE PROVISIONS
OF THE MINES AND MINERAL (D&R) ACT, 1957,
MADURAI.
 2. THE INSPECTOR OF POLICE
USILAMAPATTI TALUK POLICE STATION, MADURAI DISTRICT
 3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to MR.S.MAHENDRAPATHY, Advocate SR.No.2302.

ORDER
IN
CRL MP (MD) No.3614 of 2022
IN
CRL A (MD) No.227 of 2022
Date :18/03/2022

MK/VR/SAR.I/23.03.2022/3P/5C