



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

Wednesday, the Sixth day of April Two Thousand and Twenty Two
PRESENT

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

CRL MP(MD) No.4375 of 2022

IN

CRL A(MD) No.265 of 2022

1 SULAIMANSAIT

2 MOHAMED THAPEETH

3 MOHAMED KALITH

... APPELLANTS/PETITIONERS

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

KADAYANALLUR POLICE STATION,

TENKASI DISTRICT.

CRIME.NO.390/2016

... 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 Additional District and Sessions Court(FTC), Tenkasi in S.C.No.599 of 2018 by the Judgment dated 15/03/2022 and enlarge the petitioner / Appellant on bail, pending disposal of the above said Criminal Appeal.

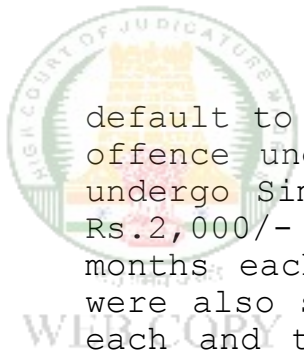
Prayer in CRL A(MD). 265/ 2022 :

To call for the records and allow this appeal and acquit the appellant from all the charges by setting aside the impugned judgement passed by the learned Additional District & Sessions Judge (FTC), Tenkasi in S.C.No.599 of 2018 by judgment dated 15.03.2022.

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.AAYIRAM K.SELVAKUMAR, Advocate for the petitioners and of M/S.M.AASHA, Government Advocate (Crl.Side) on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

This petition has been filed praying this Court to suspend the sentence imposed against the petitioners in S.C.No.599 of 2018, dated 15.03.2022 by the learned Additional District and Sessions Court (FTC), Tenkasi.

2.It is stated in the petition that the petitioners have been shown as accused 1 to 3 in S.C.No.599 of 2018 and the trial Court convicted them under Sections 294(b), 506(2) of the Indian Penal Code and Section 3 of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 and sentenced them to undergo one year (each) rigorous imprisonment and to pay a fine of Rs.2,000/- each in



default to undergo Simple Imprisonment for three months each for the offence under Section 3 of TNPPDL Act and they were sentenced to undergo Simple Imprisonment of one month each and to pay a fine of Rs.2,000/- each in default to undergo Simple Imprisonment for three months each for the offence under Section 294(b) of IPC and they were also sentenced to undergo Rigorous imprisonment for six months each and to pay a fine of Rs.2,000/- each in default to undergo Simple Imprisonment for three months each for the offence under Section 506(2) of IPC and the sentences were ordered to run concurrently. Against the conviction and sentence passed by the trial Court, the petitioner preferred Crl.A(MD)No.265 of 2022 before this Court. Pending appeal, they filed this petition seeking to suspend the conviction and sentence imposed against them.

3.It is submitted by the learned counsel for the petitioners that fine has already been paid.

4.Considering the nature of the offence alleged to have been committed by the petitioners/accused and also quantum of punishment imposed against them, this Court is of the view to suspend the sentence imposed in S.C.No.599 of 2018 till the disposal of the appeal and also decided to grant bail subject to the following conditions.

(i)Each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Additional District and Sessions Court (FTC), Tenkasi.

(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 petitioners shall appear before the respondent police daily at 10.30 am for a period of four weeks and thereafter, once in a month i.e., on the first day of every English calendar month at 10.30 am, until further orders.

sd/-
06/04/2022

/ TRUE COPY /

07/04/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
FAST TRACK COURT, TENKASI.

2 THE INSPECTOR OF POLICE
KADAYANALLUR POLICE STATION,
TENKASI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP (MD) No.4375 of 2022

IN

CRL A (MD) No.265 of 2022

Date :06/04/2022

RS/PN/SAR.4 (07.04.2022) 3P-4C