



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

Friday, the Eighth day of April Two Thousand and Twenty Two

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PRESENT

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

CRL.M.P.(MD)No.4549 of 2022

in

CRL.A(MD)No.275 of 2022

PANDI @ MADRAS PANDI

... APPELLANT / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
M.KALLUPATTI POLICE STATION,
MADURAI DISTRICT.
CRIME NO.74 OF 2011

... 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 imposed against the appellant in order dt.15/03/2022 in Spl.S.C.No. 50 of 2021 on the file of this Honourable Special District Court to deal with cases of Offences in Contravention of Provisions of Mines and Minerals (D and R)Act, Madurai and release the appellant on bail till the disposal of the appeal.

Prayer in CRL.A(MD)No.275 of 2022:

To call for the entire records connected to the judgment in Spl.S.C.No.50 of 2021 on the file of the Hon`ble Special District Court to deal with cases of Offences in Contravention of Provisions of Mines and Minerals (D and R) Act, Madurai dated 15.03.2022 and set aside the conviction and sentence imposed against 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.R.ALAGUMANI, Advocate for the petitioner and of M/S.M.AASHA, Government Advocate (Crl. Side) on behalf of the Respondent, While admitting the Crl.A., the court made the following order:-

This petition is filed to suspend the sentence passed in Spl.S.C.No.50 of 2021 dated 15.03.2022, on the file of the learned Special District Judge, Special District Court to deal with the cases of offences in contravention of Provisions of Mines and Minerals (Development and Regulation) Act, 1955, Madurai.



2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence punishable under Section 379 IPC and sentenced to undergo Rigorous Imprisonment, for a period of three years and to pay a fine of Rs.10,000/- (Rupees Ten Thousand only).

3.Challenging the above said conviction and sentence, the petitioner has filed present Criminal Appeal Case in Crl.A(MD). No.275 of 2022, before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

4.The learned counsel appearing for the petitioner 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. He would further submit that the trial Court suspended the sentence of the petitioner for a period of 30 days, from the date of the Judgment.

5.The learned counsel appearing for the respondent submitted that there are enough materials available on record against the petitioner and hence, he 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 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 petitioner 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 petitioner on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, of whom, two should be blood relatives, each for a like sum to the satisfaction of the learned Special District Judge, Special District Court to deal with the cases of offences in contravention of Provisions of Mines and Minerals (Development and Regulation) Act, 1955, 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



(iii) The petitioner shall appear before the respondent police daily at 10.30 a.m, for a period of four weeks, thereafter, on the first working day of every month, until further orders.

WEB COPY

sd/-
08/04/2022

/ TRUE COPY /

08/04/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE SPECIAL DISTRICT JUDGE,
SPECIAL COURT TO DEAL WITH THE CASES OF
OFFENCES IN CONTRAVENTION OF PROVISIONS OF
MINES AND MINERALS (DEVELOPMENT AND REGULATION)
ACT, 1955, MADURAI.
- 2 THE INSPECTOR OF POLICE
M.KALLUPATTI POLICE STATION,
MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL.M.P. (MD) No.4549 of 2022
in
CRL.A (MD) No.275 of 2022
Date : 08/04/2022

PNM
MK/PN/SAR.I/08.04.2022/3P/4C