



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

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

PRESENT

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

CRL MP(MD) No.5128 of 2022

IN

CRL A(MD) No.297 of 2022

1 RAJAGURU

2 BHARATHI

... APPELLANTS/ ACCUSED 1 & 2

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
ELUMALAI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.197/2013)

... 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 imposed by the Special District Judge to deal with the cases of offences in contravention of the provisions of the Mines and Mineral (D & R) Act, 1957, Madurai in Spl C.C.No.13 of 2021 dated 22.03.2022.

Prayer in CRL A(MD) No.297 of 2022:

To call for the records and set aside the conviction and sentence passed 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 made in Special C.C.No.13 of 2021 by Judgment dated 22.03.2022 and allow the appeal.

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.BALAJI, 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 petition has been filed praying to suspend the sentence imposed by 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, in Spl.C.C.No.13 of 2021, dated 22.03.2022.



2. The case against the petitioners / Accused Nos.1 & 2 is that on 23.12.2013, they and other accused were illegally quarrying and raising sand. The first accused ran from the scene of occurrence on seeing the police party. The second accused was the driver of the tractor. A case in Crime No.197 of 2013 was registered against the petitioners and other person. Later, the case was taken on file in Spl.C.C.No.13 of 2021, on the file 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. The learned Special District Judge found the petitioners guilty under Section 379 IPC and A.1 was sentenced to undergo Rigorous Imprisonment for a period of 2 years and pay a fine of Rs.5,000/- (Rupees Five Thousand only) in default, to undergo Rigorous Imprisonment for a period of six months, A.2 was sentenced to undergo Rigorous Imprisonment for a period of one year and pay a fine of Rs.2,000/- (Rupees Two Thousand only) in default, to undergo Rigorous Imprisonment for a period of three months, and A.3 found not guilty under Section 379 IPC and he was acquitted. Against the conviction and sentence, the petitioners have filed an appeal in Crl.A(MD)No.297 of 2022.

3. Considering the nature of the offence alleged to have been committed by the petitioners and also the quantum of punishment imposed against him, this Court is of the view to suspend the sentence imposed on the petitioners in Spl.C.C.No.13 of 2021 till the disposal of Crl.A(MD)No.297 of 2022 and also decided to grant bail subject to the following conditions.

4. In fine, this petition is allowed and the sentence imposed on the petitioners in Spl.C.C.No.13 of 2021 is alone suspended till the disposal of the appeal and the petitioners shall be released on bail on executing a bond to the tune of Rs.10,000/- (Rupees Ten Thousand only) with two blood related sureties each for a likesum 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. The petitioners are directed to report before the respondent police for four weeks at 10.30 a.m, thereafter, once in a month till the disposal of the appeal.

sd/-
22/04/2022

/ TRUE COPY /

22/04/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

- 1 THE SPECIAL DISTRICT JUDGE TO DEAL WITH
THE CASES OF OFFENCE IN CONTRAVENTION OF
THE PROVISIONS OF THE MINES AND MINERALS
(D&R) ACT, 1957, MADURAI.
 - 2 THE SUB INSPECTOR OF POLICE
ELUMALAI POLICE STATION,
MADURAI DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to MR.S.BALAJI, Advocate (SR-3725[I] dated 22/04/2022)

ORDER

IN
CRL MP(MD) No.5128 of 2022
IN
CRL A(MD) No.297 of 2022
Date :22/04/2022

MGA
MK/VR/SAR.II/22.04.2022/3P/5C