



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

Monday, the Thirteenth day of June Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

WEB COPY

CRL MP(MD) No.6497 of 2022

AND

CRL A(MD)No.367 of 2022

MUNIYANDI

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ELUMALAI POLICE STATION,
MADURAI DISTRICT.

... 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 imposed against the petitioner in Spl.C.C. No. 210/2021 Dated 30.05.2022 passed by the learned Special District Judge to deal with the cases of offences in contravention of the provision of the Mines and Minerals (D and R) Act, 1957, Madurai and enlarge the petitioner on bail pending disposal of the above appeal.

PRAYER IN CRL A(MD)No.367 of 2022:

Pleased to call for the records in Spl.C.C.No.210/2021 dated 30.05.2022 passed by the Learned Special District Judge to deal with the cases of offences in contravention of the Provision of the Mines and Minerals (D & R) Act, 1957, Madurai and to set aside the same.

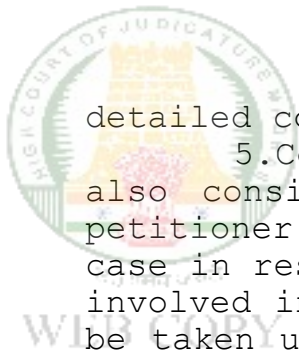
Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.KARUPPASAMY PANDIAN.G, Advocate for the petitioner and of Mr.B.NAMBI SELVAN, Additional Public Prosecutor on behalf of the Respondent, While admitting the CRL.A., the court made the following order:-

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2. I have perused the petitioner's affidavit filed in support of the above petition, judgment of the trial Court and the memorandum of the appeal.

3.The petitioner has been convicted by the learned trial Judge for the offence under Section 379 IPC, to undergo one year Rigorous imprisonment and to pay a fine of Rs.2,000/- in default to undergo Rigorous imprisonment for 3 months, in Spl.C.C.No.210 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, 1957, Madurai.

4.The learned counsel appearing for the petitioner has raised substantial points in the memorandum of appeal, which requires a



detailed consideration by this Court.

5.Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner that there are several infirmities in the prosecution case in respect of the petitioner and that there are arguable points involved in the appeal and further that the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

6.Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two 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 provision of the Mines and Minerals (D&R) Act, 1957, Madurai and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 am, pending appeal.

sd/-

13/06/2022

/ TRUE COPY /

15/06/2022

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

TO DEAL WITH THE CASES OF OFFENCES IN
CONTRAVENTION OF THE PROVISION OF THE MINES
AND MINERALS (D&R) ACT, 1957, MADURAI.

2 THE INSPECTOR OF POLICE

ELUMALAI POLICE STATION, MADURAI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.KARUPPASAMY PANDIAN.G Advocate SR.No.5485

ORDER IN

CRL MP(MD) No.6497 of 2022

AND

CRL A(MD)No.367 of 2022

Date :13/06/2022

SA/VR/SAR.1/15.06.2022/2P/5C

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