



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

Tuesday, the Sixteenth day of August Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.9525 of 2022
in
Crl.A.(MD)No.496 of 2022

JEYASEELAN

... PETITIONER/APPELLANT/ACCUSED NO.2

Vs

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

... RESPONDENT/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 and enlarge the petitioner on bail imposed on the appellant by the judgement dated. 22.07.2022 made in S.C.No. 160 of 2019 on the file off the Principal District and Sessions Judge, Madurai.

PRAYER IN Crl.A.(MD)No.496 of 2022 :

Pleased to call for the records relating to the Judgment dated 22.07.2022 made in S.C.No.160 of 2019 on the file of Principal District and Sessions Judge, Madurai and set aside the conviction and sentence imposed against the Appellant/Accused No.2 and allow above appeal by acquitting 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.MOHAMMEDIMRAN.H, Advocate for M/S.AJMAL ASSOCIATES for the petitioner and of MR.B.NAMBI SELVAN, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

This petition has been filed to suspend the sentence passed in S.C.No.160 of 2019, dated 22.07.2022, on the file of the learned Principal District and Sessions Judge, Madurai, till the disposal of this Criminal Appeal.



2.The learned counsel appearing for the petitioner submitted that the trial Court convicted the petitioner in S.C.No.160 of 2019, dated 22.07.2022, on the file of the learned Principal District and Sessions Judge, Madurai, for the offence under Section 3(1) of Tamil Nadu Property (Prevention of Damages and Loss) Act, 1992 and sentenced him to undergo one year Rigorous Imprisonment and to pay a fine of Rs.2,500/- in default to undergo three months Rigorous Imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

3.The learned counsel for the petitioner further 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.

4.The learned Additional Public Prosecutor submitted that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

5.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6.The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. 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.

7.Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.VI, 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 their identity; and

(iii) The petitioner shall appear before the concerned Court on all working days at 10.30 a.m., until further orders and if he is not able to appear before the



file an application under Section 317 of Cr.P.C. shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-
16/08/2022

WEB COPY

/ TRUE COPY /

17/08/2022

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

TO

1. THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
MADURAI.
2. THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.
3. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
4. THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.9525 of 2022
in
Crl.A.(MD)No.496 of 2022
Date :16/08/2022

sjj
USK/VR/SAR-III/17.08.2022/3P/6C