



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

Monday, the Twenty Second day of August Two Thousand and Twenty Two  
PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL MP(MD) No.9712 of 2022

IN

CRL A(MD) No.507 of 2022

1 PONVEL

2 KARTHICK

... PETITIONERS/APPELLANTS/ACCUSED 2 & 3

**Vs**

STATE REP.BY

THE INSPECTOR OF POLICE

M.KALLUPATTI POLICE STATION,

MADURAI DISTRICT.

(CRIME NO.30/2015)

... 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 imposed 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 in Spl.CC.No.204 of 2021 dated 28/07/2022.

**Prayer in CRL A(MD)No.507 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.204 of 2021 by judgment dated 28.07.2022 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 M/S.S.BALAJI, Advocate for the petitioners 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 Spl.C.C.No.204 of 2021, dated 28.07.2022, on the file of 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, till the disposal of this Criminal Appeal.

2.The learned counsel appearing for the petitioners submitted that the trial Court convicted the petitioners/A2 and A3 in Spl.C.C.No.204 of 2021, dated 28.07.2022, on the file of 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, for the offence under Section 379 IPC and sentenced them to undergo one year Rigorous Imprisonment and to pay a fine of Rs.2,000/- each, in default to undergo three months Rigorous Imprisonment each. The learned Trial Judge has suspended the sentence imposed on the petitioners, in Crl.M.P.No.3896 of 2022, till 28.08.2022. Challenging the above said conviction and sentence, the petitioners have preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

3.The learned counsel for the petitioners 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 petitioners 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.

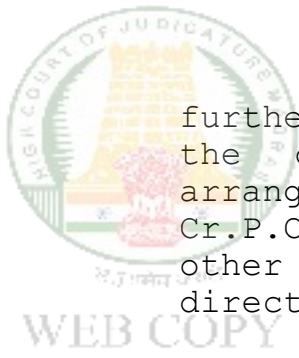
6.The learned counsel for the petitioners pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioners herein are entitled to the relief of grant of suspension of sentence.

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

(i) The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of 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.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Special 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 concerned Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until



further orders and if they are not able to appear before the concerned Court on any day, they shall make arrangements to file an application under Section 317 of Cr.P.C and shall appear before the concerned Court on any other day in lieu of the date of their absence, as directed by the concerned Court.

sd/-  
22/08/2022

/ TRUE COPY /

/08/2022

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 OFFENCES IN CONTRAVENTION OF THE PROVISIONS OF THE MINES AND MINERALS (D&R) ACT, 1957, MADURAI.
  - 2 THE INSPECTOR OF POLICE, M.KALLUPATTI POLICE STATION, MADURAI DISTRICT.
  - 3 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.BALAJI S, Advocate ( SR-8749[I] dated 22/08/2022 )

ORDER  
IN  
CRL MP(MD) No.9712 of 2022  
IN  
CRL A(MD) No.507 of 2022  
Date :22/08/2022

sjj  
RS/VR/SAR.4 (24.08.2022) 3P-5C