



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

Wednesday, the Twelfth day of October Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL MP(MD) No.12150 of 2022
IN
CRL A(MD) No.519 of 2022

JONI

... PETITIONER/1st APPELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KALIYAKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.28/2010).

... RESPONDENT/RESPONDENT

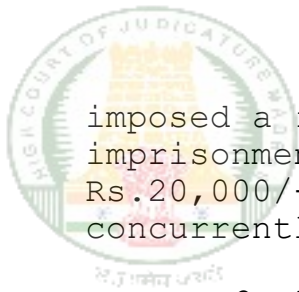
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed upon the petitioner by the Additional District and Sessions Judge Kuzhithurai in SC No.14/2012 dt.11/8/2022 pending disposal of the Criminal Appeal.

Prayer in CRL.A(MD).519/2022:

Pleased to call for records and set aside the conviction and sentence passed by The Sessions Judge, Kuzhithurai in S.C.No.14 of 2012 dated 11.08.2022.

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.LENIN KUMAR T, Advocate for the petitioner and of Mr.RMS.SETHURAMAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The petitioner was convicted by the Judgment passed by the learned Additional District and Sessions Judge, Kuzhithurai, in S.C.No.14 of 2012 dated 11.08.2022, for the offence under Section 21 (1)(2)(4) of Mines and Minerals (Development and Regulations) Act, 1957, and sentenced him to undergo 3 years rigorous imprisonment and imposed a fine of Rs.10,000/-, in default to undergo one year simple imprisonment; for the offence under Section 3(1) of TNPPDL Act and sentenced him to undergo one year rigorous imprisonment and imposed a fine of Rs.5,000/-, in default to undergo 6 months simple imprisonment; for the offence under Section 120(b) r/w 109 IPC and sentenced him to undergo 2 years rigorous imprisonment; for the offence under Section 379 IPC and sentenced him to undergo 1 year rigorous imprisonment and for the offence under Section 307 of IPC and sentenced him to undergo 7 years rigorous imprisonment and



imposed a fine of Rs.5,000/- in default to undergo one year imprisonment. Total imprisonment is 14 years and fine is Rs.20,000/-. The above sentences were ordered to be run concurrently. Hence, the petitioner seeks suspension of sentence.

2.The learned counsel appearing for the petitioner would submit that the petitioner is now confined in Central Prison, Palayamkottai.

3.Heard the submissions of the learned Additional Public Prosecutor.

4.Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the period of incarceration, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner shall execute 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 Additional District and Sessions Judge, Kuzhithurai and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the appeal.

sd/-

12/10/2022

/ TRUE COPY /

13/10/2022

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

TO

1 THE ADDITIONAL DISTRICT & SESSIONS JUDGE, KUZHITHURAI.

2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE
KALIYAKAVILAI POLICE STATION, KANYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.LENIN KUMAR T Advocate SR.No.11282

ORDER IN

CRL MP(MD) No.12150 of 2022

IN CRL A(MD) No.519 of 2022

Date :12/10/2022

TM

SA/VR/SAR. /13.10.2022/2P/6C

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