



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

Tuesday, the Fifteenth day of November Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL MP(MD) No.13953 of 2022
in
CRL.A.(MD)No.740 of 2022

SETHURAMAN

... PETITIONER/APPELLANT/
SOLE ACCUSED

Vs

THE STATE REP. BY,
THE SUB INSPECTOR OF POLICE,
KADUPATTI POLICE STATION,
MADURAI DISTRICT.
CRIME NO.10 OF 2018.

... 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 enlarge the Petitioner on bail by suspending 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 and R) Act, Madurai in Spl.CC.No.15 of 2021 vide his judgment dated 19.10.2022.

PRAYER in CRL.A.(MD)No.740 of 2022 :

Pleased to call for the entire records pertaining to the judgment rendered 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, Madurai in Special C.C.No.15/2021 vide his judgment dated 19.10.2022 by convicting the Appellant under Section 379 of IPC and sentenced him to undergo 15 days RI and to pay a fine of Rs.1,000/- and in default undergo 1 week R.I. And set aside the same and consequently acquit 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 M/S.PITCHAI MUTHU M, Advocate for the petitioner and of MR.S.MANIKANDAN, Government Advoate (Crl.Side) on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-



This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Sessions Judge, Special Court to deal with the cases of offences in contravention of the provisions of the mines and minerals (D&R) Act, Madurai, dated 19.10.2022 in Spl.C.C.No.15 of 2021 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.

2.The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial judge, for the alleged offence under Section 379 IPC and sentenced him to undergo 15 days rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo rigorous imprisonment for a period of one week, in Spl.C.C.No.15 of 2021 on the file of the learned Sessions Judge, Special Court to deal with the cases of offences in contravention of the provisions of the mines and minerals (D&R) Act, Madurai.

3.It is submitted by the learned counsel for the petitioner that the sentence was already suspended by the trial Court for a period of 30 days.

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 fact the petitioner is already enlarged on bail by the trial Court, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal 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 Sessions Judge, Special Court to deal with the cases of offences in contravention of the provisions of the mines and minerals (D&R) Act, Madurai and on further condition that the petitioner shall appear before the said Court once in a week at 10.30 a.m. pending appeal.

sd/-

15/11/2022

/ TRUE COPY /

/11/2022

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 SESSIONS JUDGE,
SPECIAL COURT TO DEAL WITH THE CASES OF
OFFENCES IN CONTRAVENTION OF THE PROVISIONS
OF THE MINES AND MINERAL (D&R) ACT,
MADURAI.
2. THE SUB INSPECTOR OF POLICE,
KADUPATTI POLICE STATION,
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.13953 of 2022
in
CRL.A.(MD)No.740 of 2022
Date :15/11/2022

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USK/SSS/SAR-IV/18.11.2022/3P/4C