



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

Friday, the Second day of December Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.14958 of 2022

IN

CRL A(MD) No.825 of 2022

- 1 RAJESWARAN
- 2 VAIRAM @ VAIRAVAN
- 3 RAMAR
- 4 SASIKUMAR

KALYANI (DIED)

... APPELLANTS/APPELLANTS/
ACCUSED NOS.1 TO 5

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
RAYAPPAN CIRCLE,
KODALUR SOUTH POLICE STATION,
THENI DISTRICT.
CRIME NO.69 OF 2010.

... 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 in Judgment dated.31.10.2022 made in SC.No.19 of 2015 on the file of the Learned Principal District Judge, Theni and enlarge Petitioners bail and to pass such further or other orders as this Hon'ble Court.

PRAYER IN CRL A(MD) No.825 of 2022 :

Pleased to call for the records and set aside the judgment dated 31.10.2022 made in S.C.No.19 of 2015 on or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

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.MANO HARAN S, Advocate for the petitioner and of MR.S.MANIKANDAN, Government Advocate (Criminal 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 Principal District Judge, Theni, dated 31.10.2022 in S.C.No.19 of 2015 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.

WEB COPY

2.The learned counsel for the petitioner submitted that the petitioners have been convicted by the learned trial judge, for the alleged offence under Section 379 IPC and sentenced them to undergo 1 year rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo rigorous imprisonment for a period of six months.

3.It is submitted by the learned counsel for the petitioners 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 petitioners are 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 petitioners are 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) each with two sureties each for a like sum to the satisfaction of the learned Principal District Judge, Theni 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/-

02/12/2022

/ TRUE COPY /

06/12/2022

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 PRINCIPAL DISTRICT JUDGE,
THENI.

<https://www.mhc.tn.gov.in/judis>



2. THE INSPECTOR OF POLICE,
RAYAPPAN CIRCLE,
KODALUR SOUTH POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.S.MANOCHARAN, Advocate (SR-14236[I] dated 02/12/2022)

ORDER IN
CRL MP(MD) No.14958 of 2022
IN
CRL A(MD) No.825 of 2022
Date :02/12/2022

tm
RK/BUC/SAR-IV/06.12.2022/3P/5C