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Crl.M.P.No.238 of 2023 in Crl.A.23 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 11.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.238 of 2023 in
Crl.A.No.23 of 2023

Mujibur Raguman

... Petitioner

Vs.

State by The Inspector of Police,
Sivakanchi Police Station, Chengalpattu District
Crime No.1063/2014

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed against the petitioner by the Learned Special Court Exclusive trial of cases under POSCO Act, Chengalpattu in S.C.No.79 of 2019 dated 28.10.2022 and release the petitioner on bail till the disposal of the appeal.

For Petitioner : Mr..W.Camyles Gandhi

for M.Mohamed Saifula

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

This petition has been filed to suspend the sentence imposed against the petitioner by the Learned Special Court for Exclusive trial of cases under



Crl,M.P.No.238 of 2023 in Crl.A.23 of 2023

POSCO Act, Chengalpattu in S.C.No.79 of 2019 dated 28.10.2022

2. The petitioner is the accused in S.C.No.79 of 2019 and Old Special SC No. 34 of 2018 on the file of the Learned Special Court for Exclusive trial of cases under POSCO Act, Chengalpattu. The Trial Court, by Judgment dated 28.10.2022 convicted and sentenced the petitioner, as extracted hereunder.

Conviction under Section	Sentence
Section 341 of I.P.C	Sentenced to undergo one month Simple imprisonment
Section 366 IPC	Sentenced to undergo Seven years Rigorous imprisonment and imposed a fine of Rs.3,000/- in default to pay the fine shall undergo simple imprisonment for 6 months.
Section 354(B) of I.P.C	Sentenced to undergo five years Rigorous imprisonment and imposed a fine of Rs.2,000/- in default to pay the fine the petitioner shall undergo simple imprisonment for three months.
Section 6 r/w 5(m)(i) of POSCO Act, 2012	Rigorous imprisonment for a period of 10 years and imposed a fine of Rs.10,000/- in default to undergo one year rigorous imprisonment.

The above sentences were ordered to run concurrently.

3. Challenging the conviction and sentence slapped by the Trial Court the petitioner is before this Court.



Crl,M.P.No.238 of 2023 in Crl.A.23 of 2023

WEB COPY

4. The learned counsel for the petitioner submitted that there are arguable points in this Criminal Appeal. Hence, prayed for suspension of sentence.

5. Heard the learned Government Advocate(Crl. side) appearing for the respondent and perused the impugned judgment and the materials on record.

6. Taking into consideration the above submission of the learned counsel appearing on both sides, this Court finds that the petitioner has substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.

(i) 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 Special Court for Exclusive Trial of cases under POSCO Act, Chengalpattu.***



Crl,M.P.No.238 of 2023 in Crl.A.23 of 2023

WEB COPY

(ii) The petitioner and 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.

(iii) The petitioner shall appear before the Trial Court, as and when required.

11.01.2023

(1/2)

Index: Yes/No
Internet: Yes/No
smn

To

- 1.The Learned Special Court Exclusive trial of cases under POSCO Act, Chengalpattu
- 2.The Superintendent, Central Prison, Puzhal
- 3.The Public Prosecutor, High Court, Madras.



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Crl,M.P.No.238 of 2023 in Crl.A.23 of 2023

V.SIVAGNANAM, J.

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Crl.M.P.No.238 of 2023 in
Crl.A.No.23 of 2023

11.01.2023
(1/2)