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*Crl.MP No.2356 of 2023 in
Crl.A.159 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :16.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.MP No.2356 of 2023 in
Crl.A.No.159 of 2023

1.Arivazhagan @ Arun
2.Hari @ Hariharan
3.Dinesh
4.Jeykanth @ Jeyprakash

... Petitioners

Vs.

1. The State rep. by
The Inspector of Police,
R-7, KK Nagar Police Station,
Chennai
(Cr no.21 of 2014)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389 Cr.P.C to suspend the sentence imposed in S.C.No.288 of 2019 by order dated 02.02.2023 passed by the learned I Additional (TADA) Sessions Judge, Chennai and to enlarge the petitioners on bail, pending disposal of the appeal.

For Petitioners : Mr.R.Vivekanandan
For Respondent : Mr.C.E.Pratap,
Government Advocate (Crl. Side)

ORDER

This petition has been filed to suspend the sentence imposed on the petitioners by the Trial Court in S.C.No.288 of 2019, vide judgement dated 02.02.2023, pending disposal of the Criminal Appeal.



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2. The petitioners herein are A3, 4, 5 & 8 in the above said S.C.No.288 of 2019. The learned I Additional Sessions Judge(TADA), Chennai, vide judgment dated 02.02.2023 passed in S.C.No.288 of 2019, convicted and sentenced the petitioners, as extracted hereunder.

Conviction and sentence imposed on the petitioners

Conviction under Section	Sentence
Sec.147 IPC	Each to undergo 6 months rigorous imprisonment and each to pay a fine of Rs.1,000/- each, in default, to undergo one month rigorous imprisonment.
Sec.448 IPC	Each to undergo 3 months rigorous imprisonment and each to pay a fine of Rs.500/- , in default, to undergo two weeks of rigorous imprisonment.
Sec.352 r/w. 149 IPC	Each to undergo 2 months rigorous imprisonment and each to pay a fine of Rs.500/-, in default, to undergo two weeks rigorous imprisonment.
Sec.355 r/w.149 IPC(two counts)	Each to undergo 6 months rigorous imprisonment and each to pay a fine of Rs.1,000/-, in default, to undergo one month rigorous imprisonment for each count.
Sec.506(i) IPC	Each to undergo 6 months rigorous imprisonment and to each pay a fine of Rs.1,000/-, in default, to undergo one month rigorous imprisonment.
Sec.3 of the Tamil Nadu Medicare Service Persons and Medicare Service Institutions(prevent	Each to undergo 3 years rigorous imprisonment and to each pay a fine of Rs.1,000/-, in default, to undergo six months rigorous imprisonment.



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Conviction under Section	Sentence
ion of violence and damage or loss to Property) Act,2008	

3.Challenging the conviction and sentence slapped by the Trial Court,
the petitioners are before this Court.

4.The learned counsel for the petitioners submitted that there are
arguable points in this Criminal Appeal. He further submitted that already,
the petitioners have paid the fine amount and 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 of the above submission of the learned
counsel appearing on both sides, this Court finds that the petitioners have
substantial grounds in this Criminal Appeal, which require detailed appraisal.



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Therefore, this Court is of the view that the petitioners are 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 petitioners shall surrender before the Trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioners are ordered to be released on bail on their executing 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 I Additional TADA Sessions Judge, Chennai.

(ii) The petitioners 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 petitioners shall appear before the Trial Court as and when required.

16.02.2023

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To

- 1.The Inspector of Police,
R-7, KK Nagar Police Station,
Chennai
(Cr no.21 of 2014)
2. The I Additional TADA Sessions Judge, Chennai
3. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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**Crl.M.P.No.2356 of 2023 in
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**16.02.2023
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