



Crl.MP No.4876 of 2023 in
Crl.A.No.374 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.4876 of 2023
in Crl.A.No.374 of 2023

1. Manokar
2. Balu
3. Saravanan
4. Sathiskumar @ Sathish
5. Murali

... Petitioners

Vs.

The State Represented by
Inspector of Police,
Mailam Police Station,
Villupuram District
(Crime No.1502 of 2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389 Cr.P.C. to suspend the sentence passed in the judgment and sentence dated 23.03.2023 imposed in S.C.No.147 of 2021 passed by the learned Principal Sessions Judge, Villupuram.



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For Petitioners : Mr.R.Vivekananthan
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This petition is filed seeking to suspend the sentence imposed on the petitioners in S.C.No.147 of 2021 passed by the learned Principal Sessions Judge, Villupuram dated 23.03.2023.

2.The Trial Court, by judgment dated 21.02.2023 passed in S.C.No.147 of 2021 convicted and sentenced the petitioner as extracted hereunder.

Rank of the accused	Conviction under Section	Sentence
A1 to A5	148 of I.P.C	The accused 1 to 5 shall pay a fine of Rs.2,500/- each in default to undergo simple imprisonment for 6 months each.
A1 to A5	448 of I.P.C	The accused 1 to 5 shall pay a



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Rank of the accused	Conviction under Section	Sentence
		fine of Rs.500/- each in default to undergo simple imprisonment for 1 month each.
A1 to A5	307 of I.P.C	The accused 1 to 5 shall undergo simple Imprisonment for 3 years each and to pay a fine of Rs.1,000/- each, in default, to undergo simple Imprisonment for 3 months each

3.Challenging the judgment of conviction and sentence, the petitioners preferred the present Criminal Appeal along with the instant petition, seeking to suspend the sentence of imprisonment.

4.The learned counsel for the petitioners submitted that the respondent-Police prosecuted the accused for the offence punishable under Sections 147, 148, 448, 294(b), 341, 307, 352, 506(ii) of I.P.C and Section 3 of Tamil Nadu Property (Prevention of Damages and Loss) Act. After the trial, the trial Court found the accused persons



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guilty for the offence under Sections 148, 448 and 307 of I.P.C and convicted and sentenced the petitioner as stated above. The Trial Court found the accused persons not guilty for the offence under Sections 294(b), 341, 352 and 506(ii) of I.P.C and Section 3 of the Tamil Nadu Property (Prevention of Damages and Loss) Act. He further submitted that the petitioners are on bail subsequent to the interim suspension of sentence by the trial Court.

5.The learned counsel for the petitioners submitted that the judgment of the Court below is contrary to law, weight of evidence and probabilities of the case. He further submitted that there are arguable points in the criminal appeal and the petitioners have every chance to succeed in this Criminal Appeal and hence, prayed for suspension of sentence.

6.Heard the learned counsel for the petitioners and the learned



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Additional Public Prosecutor appearing for the respondent and perused the impugned judgment and the materials on record.

7. Taking into consideration of the above submission of the learned counsel appearing for the petitioners, this Court finds that the petitioners have substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence.

8. Accordingly, the relief of suspension of sentence and bail is granted to the petitioners on the following conditions:

- (i) The petitioners shall surrender before the learned Principal Sessions Judge, Villupuram 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



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of Rs.10,000/-(Rupees ten thousand only) each, along with two sureties, each for a like sum, to the satisfaction of the learned Principal Sessions Judge, Villupuram.

- (ii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the above said Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;
- (iii) The petitioners shall appear before the trial Court as and when required.

06.04.2023
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To

1. The learned Principal Sessions Judge, Villupuram.
2. The Inspector of Police, Mailam Police Station, Villpuram District
3. The Public Prosecutor, High Court of Madras, Chennai.

V.SIVAGNANAM, J.,

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