



Crl.MP No.6272 of 2023 in Crl.A.No.504 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :28.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.MP No.6272 of 2023
in Crl.A.No.504 of 2023

1.Vinoth

2.Ramamoorthy

...

Petitioners

Vs.

The Inspector of Police,
Palaiyur Police Station,
Mayiladuthurai District.
(Crime No.102 of 2015)

...

Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389 (1)

Cr.P.C to suspend the sentence imposed on the petitioners/appellants 2
& 3 /Accused 3 & 4 by the District and Sessions Judge, Mayiladuthurai
in S.C.No.77 of 2017 dated 11.04.2023 and enlarge the petitioners on
bail.

For Petitioners

: Mr. R.Shivakumar
for M/s.K.M.Vijayan Associates

For Respondent

: Mr.A.Gokulakrishnan
Additional Public Prosecutor



Crl.MP No.6272 of 2023 in Crl.A.No.504 of 2023

ORDER

WEB COPY

This criminal miscellaneous petition has been filed to suspend the sentence imposed on the petitioners/appellants 2 & 3 /Accused 3 & 4 by the District and Sessions Judge, Mayiladuthurai, in S.C.No.77 of 2017 dated 11.04.2023.

2. The petitioners, who are the 3rd and 4th accused in S.C.No.77 of 2017, are convicted and sentenced by the trial court, by its judgment dated 11.04.2023 as follows;

<i>appellant's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A3 & A4	U/s.294(b) IPC	Convicted and imposed a fine of Rs.1,000/- each, in default in payment of fine, to undergo one month Riogorous imprisonment.
	U/s.506(ii) IPC	Convicted and sentenced to undergo 5 years rigorous imprisonment
	U/s.3(1) TNPPDL Act	Convicted and sentenced to undergo 4 years rigorous imprisonment along with fine of Rs.1,000/- each in default of payment of find, one more month rigorous imprisonment under Sction 235(2) Cr.P.C.

It is ordered to set off the imprisonment already undergone by the all



Crl.MP No.6272 of 2023 in Crl.A.No.504 of 2023

WEB COPY

accused for this case and it is also ordered to run the all above sentences concurrently.

3.Challenging the above judgment, the petitioners filed the Criminal Appeal along with the present petition to grant suspension of sentence imposed on them.

4. The learned counsel for the petitioners submitted that the judgment of the trial court is contrary to law, weight of evidence and probabilities of the case. He further submitted that the trial Court is against the probabilities of evidence and against the settle principles of law and failed to consider that there are lot of contradictions in the evidences. Hence, they may be granted suspension of sentence imposed on them by the trial court.

5. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.



Crl.MP No.6272 of 2023 in Crl.A.No.504 of 2023

WEB COPY

6. Considering the submission made by the learned counsel appearing on both sides and also taking into account the gravity of the offence involved in this matter, this Court is inclined ***to grant suspension of*** sentence imposed on this petitioners on the following conditions.

[i] 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 along with two sureties, each for a like sum, to the satisfaction of the The District and Session Judge, Mayiladuthurai;

(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 when required.

sms

28.04.2023



Crl.MP No.6272 of 2023 in Crl.A.No.504 of 2023

To

WEB COPY

1. The District and Sessions Judge, Mayiladuthurai.
2. The Inspector of Police,
Palaiyur Police Station,
Mayiladuthurai District.
(Crime No.102 of 2015)
3. The Superintendent, Central Prison, Trichy.
4. The Public Prosecutor, High Court, Madras.



WEB COPY



Crl.MP No.6272 of 2023 in Crl.A.No.504 of 2023

V.SIVAGNANAM, J.

sms

Crl.MP No.6272 of 2023
in Crl.A.No.504 of 2023

28.04.2023
(2/2)