



Crl.M.P.No.6423 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No. 6423 of 2023

in

Crl.A.No. 523 of 2023

1. Arumugam
2. Kuppuraj

...Petitioners/A2 & A3

Vs.

State represented by
The Inspector of Police,
B-9 Saravanampatty Police Station,
Coimbatore.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed on the petitioners in S.C.No.196 of 2015 passed by the I Additional District and Sessions Judge, Coimbatore by a judgment dated 23.03.2023 and enlarge the petitioners on bail pending disposal of the above Criminal Appeal.

For Petitioners : Mr.K.Balasubramaniam

For Respondent : Mr.V.Meganathan
Government Advocate (Crl.Side)



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners/A2 and A3, seeking to suspend the sentence of imprisonment imposed upon them in S.C.No.196 of 2015 passed by the I Additional District and Sessions Judge, Coimbatore by a judgment dated 23.03.2023 and enlarge the petitioners on bail pending disposal of the above Criminal Appeal.

2. The petitioners herein are A2 and A3 in S.C.No.196 of 2015 on the file of the learned I Additional District and Sessions Judge, Coimbatore. A2 was convicted for the offences under Sections 341 and 307 IPC and A3 was convicted of the offence under Sections 341 and 307 IPC and Section 3 of TNPPDL Act. A2 was sentenced to undergo one month simple imprisonment for the offence under Section 341 IPC and three months simple imprisonment for the offence under section 323 IPC. Further, A3 was sentenced to undergo one month simple imprisonment for the offence under Section 341 IPC and three months simple imprisonment for the offence under Section 323 IPC and



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three years rigorous imprisonment and to pay fine of Rs.1000/- for the offence under Section 3(1) of the TNPPDL Act. Aggrieved over the same, the petitioners have filed the present criminal appeal.

3. The case of the prosecution is that petitioners, A1 and the victim are auto drivers. As the victim was plying the Makkal auto for a lower fare than other auto drivers, the petitioners along with A1 had warned the victim not to ply the auto in their area. On the date of occurrence, the accused persons restrained the victim when he was plying his auto and pulled him out of the auto and pushed him down and pelted stone on the victim and also caused damages to the victim's auto. Hence the complaint.

4. According to the learned counsel for the petitioners, there are arguable points available in the Criminal Appeal and the petitioners have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the Petitioners may be suspended.



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5. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition. Further, he would contend that the evidence recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

6. Heard the learned counsel appearing on either side and also perused the materials placed on record.

7. Considering the facts and circumstances of the case, also considering the submissions of the learned counsel for the petitioners and the learned Government Advocate (Crl. side) appearing for the respondent police, further this appeal is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:



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(a) The petitioners are ordered to be released on bail, on their executing a separate 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 District and Sessions Judge, Coimbatore.

(b) The petitioners and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioners shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the criminal appeal and if they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.



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8. With the above directions, this Criminal Miscellaneous
Petition is ordered.

05.05.2023

(2/2)

To

1.The I Additional District and Sessions Judge,
Coimbatore.

2.The Inspector of Police,
B-9 Saravanampatty Police Station,
Coimbatore

3.The Public Prosecutor,
High Court of Madras,
Chennai



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G.K.ILANTHIRAIYAN, J.

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