



Crl.MP No.6420 of 2023 in Crl.A.No.521 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :28.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.MP No.6420 of 2023

in

Crl.A.No.521 of 2023

Mariya Stalin

...

Petitioner

Vs.

Inspector of Police
Mayiladuthurai Railway P.S.
(Cr.No.99 of 2017)

...

Respondent

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

Cr.P.C to suspend the sentence imposed in S.C.No.193 of 2017 by judgment dated 21.03.2023 on the file of the learned Additional District and Sessions Judge, Mayiladuthurai, till the disposal of the criminal appeal.

For Petitioner : Mr.A.Vinupradha

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

This criminal miscellaneous petition has been filed to suspend the sentence imposed in S.C.No.193 of 2017 by judgment dated 21.03.2023 on the file of the learned Additional District and Sessions Judge, Mayiladuthurai, till the disposal of the criminal appeal.

2. The petitioner, who is the sole accused in S.C.No.193 of 2017, is convicted and sentenced by the trial court, by its judgment dated 21.03.2023 as follows;

<i>appellant's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	U/s.294(b) IPC	Convicted and imposed a fine of Rs.1,000/- , in default in payment of fine, to undergo one month Riogorous imprisonment.
	U/s.353 IPC	Convicted and sentenced to undergo one year 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 fine, one more month rigorous imprisonment under Section 235(2) Cr.P.C.

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



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

3.Challenging the above judgment, the petitioner 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 there are arguable points in this criminal appeal and the petitioner has every chance to succeed in this criminal appeal. He further submitted that already, the petitioner has paid the fine amount and hence, prayed for suspension of sentence till the disposal of the criminal appeal.

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

6.The petitioner has raised substantial grounds in the Appeal



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which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

7.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 petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each for a like sum, to the satisfaction of the Additional District and Sessions Judge, Mayiladuthurai:

(ii) The petitioner 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;



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(iii) The petitioner shall appear before the trial Court as when required.

sms

28.04.2023

Note:Issue order copy on 04.05.2023

To

- 1.The learned Additional District and Sessions Judge,
Mayiladuthurai.
- 2.Inspector of Police
Mayiladuthurai Railway P.S.
(Cr.No.99 of 2017)
- 3.The Superintendent, Central Prison, Trichy.
4. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

sms

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