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Crl.M.P.No.8023 of 2023 in Crl.A.No.630 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.8023 of 2023

in

Cr.A.No.630 of 2023

1. Arjun
2. Kesavan

... Petitioners

/vs/

The Inspector of Police,
Kodavasal Police Station,
Thiruvallur District.
[Crime No.84 of 2020]

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389 [1] of Cr.P.C. to suspend the sentence imposed on the petitioners in judgment dated 20.04.2023 against the petitioners herein in S.C.No.2 of 2021 on the file of Principal District and Sessions Judge, Thirvarur and release the petitioners on bail.

For petitioners ... Mr.P.Muthamizhselvakumar

For Respondent ... Mr.R.Vinothraja
Govt. Advocate [Criminal Side]



ORDER

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This petition has been filed to suspend the sentence imposed in judgment dated 20.04.2023 against the petitioners herein in S.C.No.2 of 2021 on the file of Principal District and Sessions Judge, Thirvarur and release the petitioners on bail.

2. The respondent police registered a case in Crime No.84/2020 against the petitioners for the offence punishable under Sections 283, 294 [b], 353 and 506[i] IPC and Section 3[1] of Tamil Nadu Prevention of Property [Damage and Loss] Act 1992. The case of the prosecution is that, when the respondent police were on patrol duty, due to the enmity in registration of drunk and driving case against the accused before two days of the said occurrence, both the accused parked their vehicle restraining the traffic pathway of public and caused obstacle to public and kicked the check post door and threatened and prevented the witnesses from discharging their duty and caused damage to the chair kept in the check post and flexi board to the tune of Rs.880/- and hence, the a case was registered as stated above. On completion of investigation, final report has been filed by the respondent and the same has been taken on file in S.C.No.2 of 2021 by the learned Principal



District and Sessions Judge, Thirvarur On the Side of Prosecution P.W.1 to P.W.7 were examined and Ex.P.1 to Ex.P.9 and 4 material objects M.O.1 to M.O.4 were marked. No witness was examined and no documents were marked on the side of the defence. The trial Court, considering the entire materials convicted the petitioners/accused as follows :

<i>Rank of the accused</i>	<i>Convicted under Sec.</i>	<i>Sentence</i>
A1 & A2	3[1] of Tamil Nadu Prevention of Property [Damage and Loss] Act, 1992	1 year simple imprisonment each and to pay a fine of Rs.1,000/- in default each to undergo further period of 3 months simple imprisonment.
A1 to A5	283 of IPC	each to pay a fine of Rs.200/- in default each to undergo 3 months simple imprisonment.
Total fine amount of Rs.2,400/-. The period of remand already undergone by the accused are ordered to be set of u/s.428 Cr.P.C. The petitioners are acquitted for the offences under sections 294[b] and 353 of IPC.		

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

3. 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 prosecution has not established the motive for the occurrence and only interested witnesses have been examined by the prosecution. Hence, they may be granted suspension of sentence imposed on them by the trial court.

4. Heard the learned counsel appearing for the petitioners and the learned Government Advocate [Criminal Side] appearing for the respondent and perused the materials available on record.

5. Considering the submission made by the learned counsel appearing on both sides, 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.25,000/-(Rupees twenty five thousand only) each along with two sureties, each for a like sum, to the satisfaction of the Principal District and Sessions Judge, Thirvarur.;

(ii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the trial Court may obtain a copy of their



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Aadhaar card or Bank pass Book to ensure their identity;
and;

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

15.06.2023

VRC

To

1. The Principal District and Sessions Judge, Thirvarur.
2. The Inspector of Police,
Kodavasal Police Station, Thiruvallur District.
3. The Superintendent, Central Prison, Trichy.
4. The Public Prosecutor, High Court of Madras, Chennai.



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V.SIVAGNANAM, J.

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