



WEB COPY

Crl.M.P.No.12734 of 2023
in Crl.A.No.898 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

Crl.M.P.No.12734 of 2023 in
Crl.A.No.898 of 2023

1. Logesh @ Logeswaran
2. Mari @ Boopalan

...Petitioners

Vs.

The State Represented by,
the Inspector of Police,
Kannankurichi Police Station,
Salem District.
(Crime No.194/2016)

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Sections 389 (1) and 439 Cr.P.C. praying to suspend the sentence imposed on the petitioners by the learned III Additional District and Sessions Judge, Salem in S.C.No.400 of 2016, dated 12.07.2023 and enlarge the petitioners on bail.

For Petitioners : Mr.R.Marudhachalamurthy

For Respondent : Mr.S.Sugendran,
Additional Public Prosecutor

ORDER

This Criminal miscellaneous petition is filed seeking suspension of sentence imposed by the learned III Additional District and Sessions Judge, Salem in S.C.No.400 of 2016 on 12.07.2023.



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2. The petitioners are A2 and A4 in S.C.No.400 of 2016 on the file of the learned III Additional District and Sessions Judge, Salem and they were convicted and sentenced on 12.07.2023 as under:

S. No.	Provision under which convicted	Sentence
1	Section 147 I.P.C.,	to pay a fine of Rs.1,000/- in default to undergo 2 months Simple Imprisonment for each accused.
2	Section 294 (b) I.P.C.,	to pay a fine of Rs.1,000/- in default to undergo 2 months Simple Imprisonment for each accused.
3	Section 3 (i) of Tamil Nadu Public Property Damages Act 1992	Rigorous imprisonment for one year and to pay a fine of Rs.1,000/- and in default to undergo Simple Imprisonment for two months for each accused

3. Heard Mr.R.Marudhachalamurthy, the learned counsel for the petitioners and Mr.S.Sugendran, learned Additional Public Prosecutor appearing for the respondent.

4. The learned counsel for the petitioners contended that there are arguable points in the Criminal Appeal and hence, he prayed for suspension of sentence.

5. Mr.S.Sugendran, learned Additional Public Prosecutor did not raise any serious objection for granting suspension of sentence to the petitioners/accused.

6. Considering the submissions made by the learned counsel appearing



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on either side, this criminal miscellaneous petition is allowed and the sentence imposed on the petitioners is suspended and bail is granted to the petitioners, however, subject to the following conditions:

- i. The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate No IV, Salem.;
- ii. the sureties shall affix their photographs and Left Thumb Impression on the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- iii. The petitioners shall appear before the trial court everyday at 10.30 a.m. for a period of four weeks and thereafter, the petitioners shall appear before the trial Court on the first working day of every 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.

18.08.2023

(2/2)

vum

Note: Issue order copy on 21.08.2023

R.HEMALATHA, J.



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WEB COPY To

- 1.The III Additional District and Sessions Judge, Salem.
2. The Judicial Magistrate No IV, Salem.

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