



Crl.A.No.10 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.107 of 2023
in Crl.A.No.10 of 2023

1.Balaiyan

2.Karthick

...

Petitioners

/vs/

State represented by
The Inspector of Police,
Perambur Police Station,
Nagapattinam District.
Crime No.58 of 2014.

...

Respondent

PRAYER : Criminal Miscellaneous Petition has been filed under Section 389 Cr.P.C. to suspend the sentences passed in S.C.No.80 of 2016 dated 19.10.2022 on the file of the learned Additional District and Sessions Court, Mayiladuthurai pending disposal of the above said criminal Appeal.

For Petitioner

...

Mr.O.S.Thilak Pasumbadiyar

For Respondent

...

Mr.C.E.Pratap

Govt. Advocate (Crl.side)

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentences passed in S.C.No.80 of 2016 dated 19.10.2022 on the file of the learned Additional District and Sessions Court, Mayiladuthurai pending disposal of the above said criminal Appeal.



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WEB COPY 2.The petitioners, who were the 2nd and 3rd accused in C.C.No.80 of

2016, were convicted and sentenced by the trial Court as follows:

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	Under Sections 147	Convicted and sentenced to one year rigorous imprisonment.
	452	convicted and sentenced to five years rigorous imprisonment along with fine of Rs.2,000/- each in default of payment of fine three more month rigorous imprisonment.
	379	Convicted and sentenced to two years rigorous imprisonment.
	436	Convicted and sentenced to seven years rigorous imprisonment along with fine of Rs.5,000/- each in default of payment of fine six more month rigorous imprisonment
	3(1) TNPPDL Act	convicted and sentenced to three years rigorous imprisonment along with fine of Rs.1,000/- each in default of payment of fine two more month rigorous imprisonment.



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3. Aggrieved against the judgment of conviction and sentence imposed on the petitioners, they preferred the present criminal appeal along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. The learned counsel for the petitioners submitted that there are arguable points in this appeal and the petitioners have a good and fair chance of success in this appeal. He further submitted that the petitioners have been in judicial confinement and paid the fine amount. Thus, he prayed for suspension of sentence till the disposal of this Criminal Appeal.

5. Heard the learned Government Advocate (Crl.side) for the respondent.

6. The petitioners have raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioners have been confined in judicial custody and paid the fine amount. 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 petitioners are entitled to the relief of



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suspension of sentence and bail.

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7. Accordingly, the relief of suspension of sentence and bail is granted to the petitioners on the following conditions:

(i) The petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties, each for a likesum to the satisfaction of the learned Additional District and Sessions Court, Mayiladuthurai

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial 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 and when required.

Index : Yes/No
Internet : Yes/No
sms

06.01.2023

To

1. The learned Additional District and Sessions Court,
Mayiladuthurai



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2. Central Prison, Trichy.

3. The Inspector of Police,
Perambur Police Station,
Nagapattinam District.
Crime No.58 of 2014.

4. The Public Prosecutor,
High Court, Madras.

V.SIVAGNANAM,J.

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