



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Tenth day of January Two Thousand and Twenty Three
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.476 of 2023
in
CRL.A.(MD)No.21 of 2023

1 JOHN LIVINGSTON

(*)2 TITUS @ ROBERT GILDEN

3 SUNDARADASS @ FRANCIS

4 ROBINSON

5 SAJI

6 ARUNKUMAR

7 SANTHOSH

8 ANEESH

9 JOSE

10 THANGARAJ @ VARKEESH

... APPELLANTS/PETITIONERS

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
PAZHUGAL POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO. 290 OF 2014.

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed in S.C No.122 of 2015 by the Additional Sessions Court, Kuzhithurai, Kanyakumari District dated 06.12.2022 against the petitioners and enlarge the petitioners on bail pending disposal of the main Criminal Appeal

PRAYER IN CRL.A.(MD) No.21 of 2023 :

Pleased to call for the records and set aside the judgment of conviction and sentence passed in S.C.No.122 of 2015 dated

<https://www.mhc.tn.gov.in/judis>



06.12.2022 on the file of the Additional Sessions Judge, Kuzhithurai, Kanyakumari District and allow this appeal and acquit the appellants/accused.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.MURUGESAN.D.R., Advocate for the petitioners and of MR.B.NAMBI SELVAN, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Additional Sessions Judge, Kuzhithurai, Kanyakumari District, dated 06.12.2022 in S.C.No.122 of 2015 and enlarge the petitioners on bail, pending disposal of the above said Criminal Appeal.

2.The learned counsel for the petitioners submitted that the petitioners have been convicted by the learned trial judge, for the offence under Section 147 IPC and sentenced to undergo one year rigorous imprisonment and imposed a fine of Rs.1,000/- each in default to undergo one month simple imprisonment, for the offence under Section 448 IPC and sentenced to undergo one year rigorous imprisonment and imposed a fine of Rs.1,000/- each in default to undergo one month simple imprisonment, for the offence under Section 341 IPC and sentenced to undergo one year rigorous imprisonment and imposed a fine of Rs.1,000/- each in default to undergo one month simple imprisonment, for the offence under Section 506(ii) IPC and sentenced to undergo one year rigorous imprisonment and imposed a fine of Rs.1,000/- each in default to undergo one month simple imprisonment and for the offence under Section 3(i) of TNPPDL Act and sentenced to undergo three years rigorous imprisonment and imposed a fine of Rs.3,000/- each in default to undergo three months simple imprisonment. The sentences were ordered to run concurrently and set off under Section 428 Cr.P.C. was also ordered by the trial Court.

3.It is submitted by the learned counsel for the petitioners that the sentence was already suspended by the trial Court for a period of 30 days.

4. Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the fact the petitioners are already enlarged on bail by the trial Court, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioners are directed to be enlarged on bail on condition that the petitioners shall execute a 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



Additional Sessions Judge, Kuzhithurai, Kanniyakumari District and on further condition that the petitioners shall appear before the said Court once in a fifteen days at 10.30 a.m. pending appeal.

sd/-

10/01/2023

(*) Amended as per Order of the Court dated 08/02/2023 in CrI.MP(MD)No.2018/2023 in CrI.A (MD)No.21/2023.

/ TRUE COPY /

/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

TO BE SUBSTITUED WITH THE ORDER DATED 10/01/2023 ALREADY DESPATCHED

1. THE ADDITIONAL SESSIONS JUDGE,
KUZHITHURAI, KANNIYAKUMARI DISTRICT.
2. THE INSPECTOR OF POLICE,
PAZHUGAL POLICE STATION,
KANNIYAKUMARI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.MURUGESAN.D.R, Advocate (SR-1975[I] dated 08/02/2023)

ORDER

IN

CRL MP(MD) No.476 of 2023
in

CRL.A. (MD)No.21 of 2023

Date :10/01/2023

USK/SSS/SAR- /12.01.2023/3P/5C

INDU

SA/VR/SAR.2/22.02.2023/3P/5C