



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

Monday, the Thirtieth day of January Two Thousand and Twenty Three

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PRESENT
The Hon`ble Mr.Justice G.ILANGO VAN

CRL.M.P.(MD)No.1464 of 2023
in
CRL.A.(MD)No.81 of 2023

1 SENTHIL KUMAR

2 NAGARAJ

3 OORKALAN

4 MANI

5 SURESH

... PETITIONERS/APPELLANTS/
ACCUSED NO.1 TO 5

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
M.KALLUPATTI POLICE STATION,
MADURAI DISTRICT
(CRIME NO.49 OF 2014)

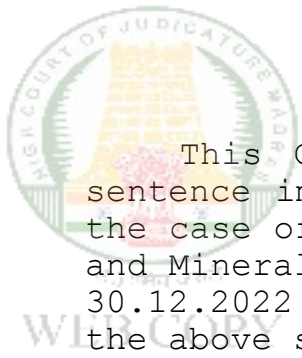
... RESPONDENT/RESPONDENT/
COMPLAINANT

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 and granting bail in Spl.CC,No.9 of 2021 Special District Judge to deal with the cases of offences in contravention of the provisions of the mines and minerals(D and R) act, 1957, Madurai dated 30.12.2022 till the disposal of the criminal appeal.

PRAYER IN CRL.A.(MD)No.81 of 2023:

To this appeal on file on call for records from the Lower Court and duly set aside the judgment passed by the Learned Special District Judge to deal with the cases of offences in contravention of the provisions of the Mines and Minerals(D&R) Act, 1957, Madurai in Spl.C.C.No.9 of 2021 dated 30.12.2022 and acquitted the appellants.

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.BALAJI.S, Advocate for the petitioners and of M/S.B.NAMBISELVAN, Additional Public Prosecutor on behalf of the Respondent, while admitting the CRL A., the court made the following



This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Special District Judge to deal with the case of offences in contravention of the provisions of the Mines and Minerals (D&R) Act, 1957, Madurai, in Spl.C.C No.9 of 2021 dated 30.12.2022 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 Special District Judge, for the alleged offence under Sections 379 of IPC, A1 to A3 are sentenced to undergo RI for 6 month and pay fine of Rs.1000/- each in default to further undergo period of 2 months and for the alleged offences under Section 379 r/w.109 of IPC, A4 and A5 are found guilty and sentenced to undergo two years RI and pay fine of Rs.2000/- each in default to further undergo period of 3 months.

3.It is submitted by the learned counsel for the petitioners that the sentence was already suspended by the trial Court for one month.

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 Special District Judge, to deal with the case of offences in contravention of the provisions of the Mines and Minerals (D&R) Act, 1957, Madurai and on further condition that the petitioners shall appear before the said Court once in a week at 10.30 a.m. pending appeal.

sd/-
30/01/2023

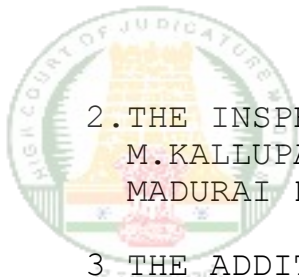
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01/02/2023

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

INDU
TO

1.THE SPECIAL DISTRICT JUDGE,
TO DEAL WITH THE CASE OF OFFENCES IN CONTRAVENTION
OF THE PROVISIONS OF THE MINES AND MINERALS (D&R) ACT,1957,



2. THE INSPECTOR OF POLICE
M.KALLUPATTI POLICE STATION,
MADURAI DISTRICT

3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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COPY TO

THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
(CALL FOR RECORDS)

+1 CC to M/s.S.BALAJI, Advocate (SR-1389[I] dated 30/01/2023)

ORDER
IN
CRL MP (MD) No.1464 of 2023
Date :30/01/2023

RK/BUC/SAR-4 (01/02/2023) 4P/6C