



CRL MP(MD) No.6491 of 2023

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

Thursday, the Thirtieth day of November Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice M.SUNDAR
and
The Hon`ble Mr.Justice R. SAKTHIVEL

CRL MP(MD) No.6491 of 2023
in
CRL A(MD)No. 531 of 2021

MARIYAPPAN

... APPELLANT/ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE
SHENCOTTAI POLICE STATION,
TENKASI DISTRICT.
CRIME NO.14/2015.

... RESPONDENT/COMPLAINANT

Criminal Miscellaneous 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 against the petitioner by the Judgement dt.22/10/2021 in SC.No.510/2015 on the file of the Additional District and Sessions Judge (FTC), Tenkasi and grant bail to the petitioner.

PRAYER IN CRL A(MD)No. 531 OF 2021:

To call for the records pertaining to the Judgment dated 22.10.2021 in SC No. 510 of 2015 on the file of the Additional District Sessions Judge (FTC), Tenkasi and set aside the same as illegal.



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Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.VINOTH BHARATHI R, Advocate ASSISTED BY MR.M.PONVIJAYAKUMAR, Advocate for the petitioner and of MR.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor Assisted by MR.A.CHINNAKARUPPAIYA, Advocate on behalf of the Respondent the court made the following order:-

[Order of the Court was made by M.SUNDAR, J.]

This proceedings has to be read in conjunction with separate common proceedings made today in Criminal Appeal (MD) Nos.531 of 2021, 536 of 2021 and 537 of 2021 which reads as follows:

“Captioned three criminal appeals arise out of a common judgment of conviction and sentence dated 22.10.2021 made in Sessions Case No.510 of 2015 on the file of 'Additional District and Sessions Judge Court (Fast Track Court - FTC), Tenkasi' (hereinafter 'trial Court' for the sake of convenience and clarity).

2. In the trial Court, there were three accused (A1 and A2 are sons of A3) and all three were convicted and sentenced vide aforementioned common judgment and sentence.

3. 'Criminal Appeal (MD) No.531 of 2021' has been preferred by A2, 'Criminal Appeal (MD) No.536 of 2021' has been preferred by A1 and 'Criminal Appeal (MD) No.537 of 2021' has been preferred by A3 and



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these three criminal appeals shall be referred to as 'I Crl.Appeal, II Crl.Appeal and III Crl.Appeal' respectively, for the sake of convenience and clarity.

4. I and II Crl. Appeals were listed in the 'Regular List' today along with 'Criminal Miscellaneous Petitions' ['Crl.MPs' for the sake of brevity] thereat (Crl.MP (MD) Nos.6491 of 2023 and 6492 of 2023 for suspension of sentences).

5. When the matters in the 'Regular List' were taken up, Mr.R.Vinoth Bharathi, learned counsel on record for appellants submitted that appeal preferred by A3, namely, III Crl.Appeal can also be taken up. Learned Prosecutor also agreed for the main appeal being heard out. Therefore, III Crl.Appeal, namely, Criminal Appeal (MD) No.537 of 2021 was listed today by way of an 'Additional List'.

6. To be noted, as already alluded to supra, it is a common judgment and sentence qua captioned three criminal appeals and common typed set has been prepared by the Registry of this Court.

7. In the aforesaid scenario, captioned three main criminal appeals were taken up with the consent of both sides and were heard out in full.

8. Captioned three criminal appeals will now stand over for consideration and verdict. Judgment reserved."



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2. In the light of the main criminal appeals having been heard out, the captioned Criminal Miscellaneous Petition is disposed of as closed.

sd/-
30/11/2023

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/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PKN

TO

- 1 THE ADDITIONAL DISTRICT
SESSIONS JUDGE (FTC), TENKASI.
- 2 THE INSPECTOR OF POLICE
SHENCOTTAI POLICE STATION, TENKASI DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.



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

ORDER
IN
CRL MP(MD) No.6491 of 2023
in
CRL A(MD)No. 531 of 2021
Date :30/11/2023

PKP/JGB/SAR- /04.12.2023/ 5P/ 5C

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