



WEB COPY

CRL MP(MD)



23

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

Thursday, the Eighteenth day of May Two Thousand and Twenty Three  
PRESENT

**The Hon`ble Mrs.Justice T.V.THAMILSELVI**

CRL MP(MD) No.7610 of 2023

in

CRL A(MD) No.404 of 2023

VINOTH

... PETITIONER/APPELLANT/ACCUSED NO.3

Vs

State Rep.by  
THE INSPECTOR OF POLICE  
PUDUR POLICE STATION,  
THOOTHUKUDI DISTRICT.  
(CRIME NO.98/2017).

... 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 imposed by the Learned Principal Sessions Judge, Thoothukudi District in SC No.274/2020 vide his judgement dt.21/4/2023 and enlarge on bail pending the disposal of the main Crl.A.

PRAYER IN CRL A(MD).404/2023 :

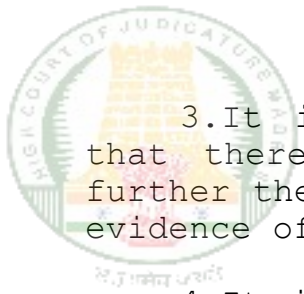
To call for the entire records pertaining to the judgment rendered by the learned Principal Sessions Judge, Thoothukudi District in S.C.No.274 of 2020 vide his judgment dated 21.04.2023 and set aside the same and consequently acquit the appellant.

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.DHILIPAN PANDIAN R L, Advocate for the petitioner and of MR.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the learned Principal Sessions Judge, Thoothukudi District in S.C.No.274 of 2020, dated 21.04.2023 and enlarge on bail pending the disposal of the main Criminal Appeal.

2.The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial judge, for the alleged offence under Section 3(1) of TNPPDL Act, 1992 and sentenced him to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a period of three months in S.C.No.274 of 2020 on the file of the learned Principal Sessions Judge, Thoothukudi District.

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



3.It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

4.It is submitted by the learned Additional Public Prosecutor that there are enough materials available on record against the petitioner as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and he strongly opposed to grant suspension of sentence.

5.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6.The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

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

(i) The petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Principal Sessions Judge, Thoothukudi;

(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 Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioner shall appear before the concerned Court on all working days at 10.30 a.m., until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of her absence, as directed by the trial Court.

sd/-

18/05/2023

/ TRUE COPY /

/05/2023

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

vsd

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



TO

1 THE PRINCIPAL SESSIONS JUDGE, THOOTHUKUDI DISTRICT.

2 THE INSPECTOR OF POLICE, PUDUR POLICE STATION,  
THOOTHUKUDI DISTRICT.

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

ORDER

IN

CRL MP(MD) No.7610 of 2023

in

CRL A(MD) No.404 of 2023

Date :18/05/2023

RS/BUC/SAR-2 (22.05.2023) 3P 4C