



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

Thursday, the Fifteenth day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice R.SURESH KUMAR

and

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL.M.P(MD).No.8437 of 2023

in

CRL.A(MD).No.419 of 2021

1 S.RAJA

2 A.PANDIYARAJAN

... PETITIONERS/
APPELLANTS 1 & 2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THILLAINAGAR POLICE STATION,
THILLAINAGAR,
TIRUCHIRAPPALLI-620 018.
CRIME NO. 310 OF 2016.

... 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 Judgment of conviction and sentence dt.17.8.2021 in SC.No.116 of 2017 on the file of the II-Additional District and Sessions Judge, Tiruchirappalli pending disposal of the Criminal Appeal.

Prayer in CRL A(MD)No.419 OF 2021:

To call for records and set aside the judgment of conviction and sentence dated 17.08.2021 in S.CNo. 116 of 2017 on the file of the II Additional District and Sessions Judge, Tiruchirappalli and acquit the accused and allow the present appeal.

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.SIVA SUBRAMANIAN.S, Advocate for the petitioner and of M/S.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by **R.SURESH KUMAR, J.**)

This petition has been filed to suspend the sentence imposed against the petitioners in S.C.No.116 of 2017, dated 17.08.2021 on the file of the II Additional District and Sessions Court, Tiruchirappalli, and enlarge them on bail pending disposal of the Criminal Appeal.



2. Heard Mr.S.Siva Subramanian, the learned counsel appearing for the petitioners and Mr.A.Thiruvadi Kumar, the learned Additional Public Prosecutor appearing for the respondent.

3. This is the fourth petition seeking suspension of sentence. Already two petitions have been dismissed as withdrawn and the third petition also being Crl.M.P(MD).Nos.14809 and 14810 of 2022 came up for consideration before a Co-ordinate Bench on 14.06.2023, where a Division Bench of this Court, after considering all aspects including the judgment which is under appeal, was of the view that the Court did not find any such error in the trial Court judgment and therefore, those petitions were dismissed.

4. When such a view had already been expressed by the Co-ordinate Bench of this Court, there is no further scope for this Bench to go into the plea raised by the petitioners in this fourth application seeking suspension of sentence.

5. Though it was fixed time in April 2023 to take up the main Criminal Appeal, due to time constraint, it could not be taken up. Therefore, we feel that the main Criminal Appeal can be posted for hearing on **10.07.2023**. Hence, this petition, for the aforestated, is liable to be dismissed and accordingly, it is dismissed.

sd/-
15/06/2023

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/06/2023

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

SSB

TO

1.THE II-ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TIRUCHIRAPPALLI

2.THE INSPECTOR OF POLICE
THILLAINAGAR POLICE STATION,
THILLAINAGAR,
TIRUCHIRAPPALLI-620 018.

3 THE SUPERINTENDENT,
CENTRAL JAIL,
TIRUCHIRAPPALLI.



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CRL.M.P(MD).



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

ORDER

IN

CRL.M.P (MD) .No.8437 of 2023
in

CRL.A (MD) .No.419 of 2021

Date :15/06/2023

RK/BUC/SAR- (21/06/2023) 3P/5C