



CRL MP(MD) No.18312 of 2023

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

Thursday, the Twenty Eighth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice R. SAKTHIVEL

CRL MP(MD) No.18312 of 2023

IN

CRL A(MD)No. 1131 of 2023

KRISHNASAMY

... PETITIONER/ APPELLANT

Vs

**THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION,
KOVILPATTI,
THOOTHUKUDI
(CRIME NO.31/19)**

... RESPONDENT/RESPONDENT

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 upon the Petitioner pursuant to the order of conviction in SC No.288/2020 dt.15.12.2023, passed in the Principal Sessions Judge, Thoothukudi convicting the Petitioner under section 294(b),353 of IPC and Section3(1) of TNPPDL Act and sentenced simple imprisonment for 3 years and 1 months pending disposal of the above criminal appeal petition.



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PRAYER IN CRL A(MD)No. 1131 of 2023:

Pleased to call for the records and set aside the judgment in S.C.No. 288/2020 dated 15.12.2023 passed by Principal Sessions Judge, Thoothukudi and allowed the same.

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.MOHAN GANDHI.S.M., Advocate for the petitioner and of MR.P.KOTTAICHAMY, Government Advocate (Criminal Side) on behalf of the Respondent, while admitting the Criminal appeal, the court made the following order:-

The petitioner herein is the sole accused in S.C.No.288 of 2020 on the file of Principal Sessions Judge, Thoothukudi. The learned Principal Sessions Judge, Thoothukudi convicted the petitioner for the offences punishable under Sections 294 (b) and 353 of Indian Penal Code and Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 (Act No.59 of 1992) [henceforth 'TNPPDL Act].

2.The accused is convicted and sentenced as follows.



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Offence under Section and Act	Sentence
294(b) of I.P.C.	1 Month Simple Imprisonment
353 of I.P.C.	1 Year Simple Imprisonment
3(1) of TNPPDL Act	2 Year Simple Imprisonment and fine of Rs.10,000/-, in default, thereof 3 months Simple Imprisonment

3. The learned counsel appearing for the petitioner submitted that the Trial Court suspended the sentence for the period of 30 days from 15.12.2023. Accordingly, he prayed to suspend the sentence.

4. Heard the learned Government Advocate (Criminal Side) appearing for the respondent - State.

5. In view of the punishment imposed by the Trial Court proviso to Section 389 (1) will not apply in this case. Admittedly, the Trial Court suspended the sentence for a period of 30 days from 15.12.2023.

6. Considering the nature of offence allegedly committed by the petitioner, this Court is inclined to suspend the sentence and grant bail to the petitioner subject to the following conditions.



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

(ii) The petitioner shall appear and sign before the Trial Court on 1st working day of every month at 10.00 a.m. until further orders;

7. Accordingly, this Criminal Miscellaneous Petition is allowed subject to the conditions stated supra.

sd/-
28/12/2023

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/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE PRINCIPAL SESSIONS JUDGE
THOOTHUKUDI.
- 2 THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION,
KOVILPATTI,
THOOTHUKUDI



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

ORDER
IN
CRL MP(MD) No.18312 of 2023
IN
CRL A(MD)No. 1131 of 2023
Date :28/12/2023

PKP/JGB/SAR- /04.01.2024/ 5P/ 4C

Madurai Bench of Madras High Court is issuing certified
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