



CRL MP(MD) No.767 of 2024

WEB COPY

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

Wednesday, the Twenty First day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.767 of 2024

in

CRL A(MD) No.977 of 2023

BALAN @ BALUCHAMY

... PETITIONER/PETITIONER/ APPELLANT

Vs

THE INSPECTOR OF POLICE
PALANI TALUK POLICE STATION,
PALANI,
DINDIGUL DISTRICT.
CRIME NO.440 OF 2014.

... RESPONDENT/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 by the Principal Assistant Sessions Court, Palani in SC.No.217 of 2017 dt.4.10.2023 and enlarge the Petitioner on bail pending disposal of the above Criminal Appeal.

Prayer in CRL A(MD).977/2023 :

To call for the records and set aside the order passed by the Principal Assistant Sessions Court, Palani in S.C.No.217 of 2017 dated 04.10.2023.

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 MR.V.KANNAN, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-



CRL MP(MD) No.767 of 2024

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the learned Principal Assistant Sessions Judge, Palani, in S.C.No.217 of 2017, dated 04.10.2023, till the disposal of this Criminal Appeal.

2. According to the prosecution, on 15.09.2014, the petitioner's/accused neighbour, namely, Kaleeswari/defacto complainant, made a complaint before the respondent police stating that the petitioner/accused waylaid her and committed robbery of 2 ½ sovereigns gold jewel from her at the knife point and caused injuries. Thereby, based on a complaint lodged by the defacto complainant, a case has been registered against the petitioner in Crime No.440 of 2014 on the file of the respondent police for the offence punishable under Section 394 of Indian Penal Code and the same was taken on file in S.C.No.217 of 2017 on the file of the learned Principal Assistant Sessions Judge, Palani. The petitioner was found guilty for the offence punishable under Section 394 of IPC and sentenced him to undergo 10 years Rigorous Imprisonment and to pay a fine of Rs.2,000/- with 2 months Rigorous Imprisonment in case of default. Challenging the above said conviction and sentence, the petitioner/accused has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

3. The learned counsel appearing for the petitioner submits that due to personal grudges between the petitioner and the defacto complainant in respect of money



CRL MP(MD) No.767 of 2024

dispute, he has been falsely implicated in this case and that the Court below has also failed to consider the fact that there is a contradiction between the contents of FIR and the evidence of P.W.2 about the seizure of material objects. Learned counsel further submitted that he is the sole breadwinner for his family and if the petitioner is released on bail, he is ready to abide any conditions imposed by this Court and thereby, he prayed for bail.

4. Per contra, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor submitted that earlier this Court has dismissed the petition filed by the petitioner on 28.11.2023 seeking suspension of sentence and this is the second petition filed by the petitioner without any change of circumstances and hence, opposed for allowing the petition.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the arguable points involved in the appeal and the facts and circumstance of the case, this Court is of the prima facie view that the sentence imposed on the petitioner is to be suspended pending this appeal.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Principal Assistant Sessions Judge, Palani, in S.C.No.217 of 2017, dated 04.10.2023 alone is suspended subject to the following conditions:



CRL MP(MD) No.767 of 2024

WEB COPY

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 Assistant Sessions Judge, Palani;

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;

iii) The petitioner shall appear and sign before the learned Principal Assistant Sessions Judge, Palani, once in 15 days at 10.30 a.m., until further orders;

iv) The petitioner shall furnish his residential address and mobile number to the Trial Court i.e., learned Principal Assistant Sessions Judge, Palani.

8. Subject to the above conditions, this Petition is allowed.

sd/-
21/02/2024

/ TRUE COPY /

22/02/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

PKN

TO

1 THE PRINCIPAL ASSISTANT SESSIONS JUDGE,
PALANI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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



CRL MP(MD) No.767 of 2024

3 THE INSPECTOR OF POLICE
PALANITALUK POLICE STATION,
PALANI, DINDIGUL DISTRICT.

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

+1 CC to M/s.V.KANNAN, Advocate (SR-2157[I] dated 21/02/2024)

ORDER IN
CRL MP(MD) No.767 of 2024
in
CRL A(MD) No.977 of 2023
Date :21/02/2024

RS//SAR-(22.02.2024) 5P 6C
Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023