



CRL MP(MD) No.778 of 2024

WEB COPY

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

Monday, the Twenty Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.778 of 2024

in

CRL A(MD) No.71 of 2024

BASKAR

... Petitioner / Petitioner

Vs

THE INSPECTOR OF POLICE
ANNAVASAL POLICE STATION,
PUDUKOTTAI TOWN AND DISTRICT,
(CRIME NO.45/2011)

... 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 passed in SC.No.5/2023 dated 28.12.2023 on the file of Additional District and Sessions Judge/Presiding Officer Special Court for EC and NDPS Act cases, Pudukottai and enlarge the appellant on bail.

Prayer in CRL A(MD). 71/ 2024 :

To call for the judgment dated 28.12.2023 made in S.C.No.5 of 2023 on the file of the Additional District and Sessions Judge / Presiding Officer, Special Court for EC and NDPS Act Cases, Pudukkottai and set aside 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



CRL MP(MD) No.778 of 2024

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

The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence passed against him by the learned Additional District and Sessions Judge/Presiding Officer, Special Court for E.C and NDPS Act Cases, Pudukkottai in S.C.No.5 of 2023 dated 28.12.2023 and to enlarge him on bail, pending disposal of the Criminal Appeal.

2. It is submitted by the learned counsel for the petitioner that a case has been registered against the petitioner and other accused in Crime No.45 of 2011 on the file of the respondent/Inspector of Police, Annavasal Police Station, for the offences punishable under Sections 302, 201, 404 and 304 (ii) and 201 IPC and the same was taken on file in S.C.No.5 of 2023 before the learned Additional District and Sessions Judge/Presiding Officer, Special Court for E.C and NDPS Act Cases, Pudukkottai. The petitioner/A1 was convicted for the offence under Section 404 of IPC alone and sentenced to undergo three years rigorous imprisonment and a fine of Rs.1,000/-, in default, to undergo two months simple imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

Learned counsel for the petitioner further submitted that there are some arguable



CRL MP(MD) No.778 of 2024

WEB COPY
sentence.

points involved in the criminal appeal and hence, he prays for suspension of sentence.

3. Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor has no serious objection to suspend the sentence as against the petitioner.

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

5. As rightly contended by the learned counsel for the petitioner that there are some arguable points involved in the criminal appeal and also considering the facts and circumstances of the case, this Court is of the prima facie view that the sentence is to be suspended pending this Appeal.

6. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned learned Additional District and Sessions Judge/Presiding Officer, Special Court for E.C and NDPS Act Cases, Pudukkottai in S.C.No.5 of 2023 dated 28.12.2023 alone is suspended subject to 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 learned Additional District and Sessions Judge/Presiding Officer, Special Court for E.C and NDPS Act Cases, Pudukkottai.



CRL MP(MD) No.778 of 2024

WEB COPY

ii) The petitioner shall appear and sign before the learned learned Additional District and Sessions Judge/Presiding Officer, Special Court for E.C and NDPS Act Cases, Pudukkottai, on the first working day of every English calender month at 10.30 a.m., until further orders.

iii) In case, if the petitioner is unable to appear before the Court on the first working day of a month, he shall appear on the next working day.

iv) The petitioner shall furnish his residential address and mobile number to the Trial Court ie., learned learned Additional District and Sessions Judge/Presiding Officer, Special Court for E.C and NDPS Act Cases, Pudukkottai.

7. Subject to the above conditions, this Criminal Miscellaneous Petition is allowed.

sd/-
29/01/2024

/ TRUE COPY /

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

PJL



CRL MP(MD) No.778 of 2024

To **மேலாட்சி**

WEB COPY

1.The Additional District and Sessions Judge /
Presiding Officer,
Special Court for EC and NDPS Act Cases,
Pudukkottai.

2.The Inspector of Police,
Annavasal Police Station,
Pudukkottai Town and District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL MP(MD) No.778 of 2024

Date :29/01/2024

ED/ GS /SAR- (31/01/2024) 5P / 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023