



CRL MP(MD) No.3086 of 2024

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

Tuesday, the Twelfth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.3086 of 2024

in

CRL A(MD) No.214 of 2024

RADHAKRISHNAN

... PETITIONER/ APPELLANT

Vs

THE INSPECTOR OF POLICE
USILAMPATTI TALUK POLICE STATION,
USILAMPATTI.
CRIME NO. 132/2013

... 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 learned Principal Sessions court, Madurai in S.C No. 350 of 2013 dt. 07.02.2024 and enlarge the petitioner on bail till the pending disposal of the above said criminal appeal.

Prayer in CRL A(MD).214/2024 :

To call for the records and set aside the sentence and conviction imposed by the Learned Principal Sessions Court, Madurai in SC No.350 of 2013 dated 07.02.2024.

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.M.KALIRAJ, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-



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The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence imposed on him by the learned Principal Sessions Judge, Madurai, in S.C.No.350 of 2013 dated 07.02.2024 and to enlarge him on bail, pending disposal of the Criminal Appeal.

2. It is submitted by learned counsel for the petitioner that a case has been registered against the petitioner in Crime No.132 of 2013 on the file of the second respondent/Inspector of Police, Usilampatti Taluk Police Station, for the offence punishable under Section 324 of IPC and Section 5 of 'Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 (Act No. 59 of 1992)' [hereinafter 'TNPPDL Act' for the sake of convenience and clarity] and the same was taken on file in S.C.No.350 of 2013 before the learned Principal Sessions Judge, Madurai. The petitioner was convicted and sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.1,000/- (Rupees One Thousand only) with three months simple imprisonment in case of default for the offence under Section 5 of TNPPDL Act and to undergo Six months rigorous imprisonment for the offence under Section 323 of IPC. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Criminal Miscellaneous Petition seeking suspension of sentence.

3. Learned counsel for the petitioner further submitted that the trial Court failed



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to take note of the vital discrepancies in the deposition of the various prosecution witnesses which goes to the root of the matter and the prosecution has not established its case beyond reasonable doubts and accordingly, learned counsel prays for suspension of sentence.

4. The learned Additional Public Prosecutor appearing on behalf of the State submitted that the petitioner has damaged the public property and was rightly convicted by the Court below for a period of three years imprisonment. Hence, he prays for dismissal of the petition.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State and perused the materials available on record.

6. This Court finds force in the submission of the learned counsel for the petitioner. Considering the facts and circumstances of the case, this Court is of the prima facie view 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, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Principal Sessions Judge, Madurai, in S.C.No.350 of 2013



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dated 07.02.2024 alone is suspended, subject to the following conditions:-

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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, Madurai.

ii) The petitioner shall appear and sign before the learned Principal Sessions Judge, Madurai, 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 i.e., learned Principal Sessions Judge, Madurai.

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

sd/-
12/03/2024

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/03/2024

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

JGB



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TO செய்து அளித்தல்

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1 THE PRINCIPAL SESSIONS JUDGE, MADURAI.

2 THE INSPECTOR OF POLICE, USILAMPATTI TALUK POLICE STATION,
USILAMPATTI.

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

+1 CC to M/s.M.KALIRAJ, Advocate (SR-3215[I] dated 14/03/2024)

ORDER IN
CRL MP(MD) No.3086 of 2024
in CRL A(MD) No.214 of 2024
Date :12/03/2024

RS/JGB/SAR-(18.03.2024) 5P 5C
Madurai Bench of Madras High Court is issuing
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