



Crl.M.P.(MD).No.11814 of 2024

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

Thursday, the Twelfth day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE K.K. RAMAKRISHNAN

Crl.M.P.(MD).No.11814 of 2024

in

Crl.A.(MD).No.931 of 2024

RANJITHKUMAR

... PETITIONER/ APPELLANT/ ACCUSED 4

Vs

THE THE INSPECTOR OF POLICE,
M.KALLUPATTI POLICE STATION,
MADURAI DISTRICT.

CRIME NO. 69/2013

... RESPONDENT/RESPONDENT/COMPLAINANT

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 against the petitioner in Spl S.C no. 51/2021 on the file of the Honble Special District Judge to deal with the cases of offences in contravention of the provisions of the Mines and Mineral (D and R) Act 1957 Madurai dated 30.12.2022 and release him on bail till the disposal of the main criminal appeal.

Prayer in Crl.A(MD).931/2024:

Pleased to call for the entire records connected to the judgment in Spl.S.C.No.51 of 2021 on the file of the Hon'ble Special District Judge to Deal with the Cases of Offences in contravention of the Provisions of the Mines and Minerals (D&R) Act 1957 Madurai dated 30.12.2022 and set aside the conviction and sentence imposed against the appellant.



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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 DR.R.ALAGUMANI, Advocate for the petitioner and of Mr.M.SAKTHI KUMAR, Government Advocate(crl.side) on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence imposed on the petitioner by the learend Special District Judge, Special Court for MMDR Act, Madurai, in Spl.S.C.No.51 of 2021 dated 30.12.2022.

2. The petitioner herein is A4 in in Spl.S.C.No.51 of 2021, on the file of the learend Special District Judge, Special Court for MMDR Act, Madurai.

2.1.The case of the prosecution is that on 19.07.2013 at about 00.30 hours the Special Sub-Inspector of Police, namely, Shanmuganathan along with his team was in patrol duty, near Kamarajar Kalyana Mandapam at M.Kallupatti. At that time, the team stopped a tipper lorry bearing registration No.TN-28-AA-6691 consist of two units of red soil. The said lorry was driven by A2 and other accused were sitting in the cabin of the said lorry. When the lorry was intercepted and stopped for checking the first accused would shout at the Special Sub-Inspector telling that the police have been a nuisance to him since they have been preventing all his attempts to illegal smuggling minerals and instructed the second accused who was driving the vehicle



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to run over the vehicle upon the police and kill them. Therefore, the second accused who was in the steering wheel forcefully started the tipper lorry such as to run the same over the police party. On finding that the tipper lorry was driven forcefully towards them, all the police fell down on the side of the road in order to escape being hit by the vehicle. Thereafter, recovering themselves, the Special Sub-Inspector and all the other 3 policemen went chasing after the vehicle in their two wheelers and stopped it near Thiruvalluvar College. When the accused 1 to 4 were questioned about the mineral in the vehicle, they would state that the red soil was raised at the Periya Odai near T.Krishnapuram to sell the same to one Vadivelu for his brickyard. Therefore, all the accused were brought to the police station and registered a case against them for the offences under Sections 353, 307 r/w 109, 379 of IPC r/w Section 20(1)(v) Mines and Minerals (Development & Regulation) Act, 1957 against the first accused and under Sections 353, 307 and 379 of IPC r/w Section 20(1)(v) of Mines and Minerals (Development & Regulation) Act 1957 against the second accused and under Section 353, 379 r/w 20(1)(V) Mines and Minerals (Development & Regulation) Act, 1957 against the fourth accused.

3. The respondent police, after completing the investigation, has laid a final report for the above said alleged offences. The same was taken on file in



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Spl.S.C.No.51 of 2021, on the file of the learend Special District Judge, Special Court
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for MMDR Act, Madurai.

4. During trial, the prosecution has examined 10 witnesses as P.W.1 to P.W.10 and exhibited 14 documents as Ex.P.1 to Ex.P.14 and marked 2 Material Objects as M.O.1 and M.O.2. On the side of the appellant no witnesses were examined and no documents were produced.

5. The learend Special District Judge, Special Court for MMDR Act, Madurai, after full-fledged trial, has passed the judgment in Spl.S.C.No.51 of 2021, dated 30.12.2022 and convicted the petitioner/accused No.4 for the offence under Section 353 of IPC and sentenced him to undergo one year of Rigorous Imprisonment and to pay a fine of Rs.500/-, in default, to undergo 2 months Rigorous Imprisonment. Aggrieved over the above said conviction and sentence imposed by the Court below, the petitioner preferred the present Criminal Appeal along with the present Criminal Miscellaneous Petition seeking for suspension of sentence.

6. The learned counsel for the petitioner would submit that the petitioner is innocent and he has no previous antecedents and there are several infirmities in the



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prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. Hence, he seeks suspension of sentence.

7. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed this petition.

8. This Court considered the rival submissions made by the learned counsel appearing on either side and perused the materials available on record.

9. Considering the facts and circumstances of the case and also there are some arguable points involved in the criminal appeal and he is pointed out certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. Hence, this Court prima facie satisfied 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 and as such, this Court is of the considered view that the petitioner is entitled to the relief of grant of suspension of sentence.



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10. Accordingly, the relief of suspension of sentence is granted to the petitioner on 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 learend Special District Judge, Special Court for MMDR Act, Madurai,

(ii) The sureties shall affix his 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 his identity; and

(iii) The petitioner shall appear before the concerned Court once in a month i.e., on first working day of every English calendar month at 10.30 a.m., till the disposal of the appeal.

sd/-
12/12/2024

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16/12/2024
Sub-Assistant Registrar (PA-I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

sbn

TO

1.THE SPECIAL DISTRICT JUDGE, SPECIAL COURT FOR MMDR ACT,

MADURAI

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



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2.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3.THE INSPECTOR OF POLICE,
M.KALLUPATTI POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.DR.R.ALAGUMANI, Advocate (SR-15329[I] dated 12/12/2024)

ORDER
IN
CRL MP(MD) No.11814 of 2024
Date :12/12/2024

RK/SAR. /16.12.2024/7P/6C

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