



CRL MP(MD) No.660 of 2024

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

Wednesday, the Thirty First day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.660 of 2024

in

CRL A(MD)No.64 of 2024

1 ABDUL AZEEZ

2 PETER

3 MUTHU

... PETITIONERS/APPELLANTS

Vs

THE INSPECTOR OF POLICE
COUNTERFEIT CURRENCY WING,
CRIME BRANCH CID,
TRICHY DISTRICT.
(CRIME NO.01/2013).

... 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 of imprisonment imposed by the Honble Additional District Judge No.II, Trichy in SC No.19/2015 dated 4/8/2022 and enlarge the petitioner/appellant on bail, pending disposal of the above said Criminal Appeal.

PRAYER in CRL A(MD)No.64 of 2024:

To call for the records and set aside the judgment and conviction dated 04.08.2022, by the Hon'ble IInd Additional District and Sessions Court, Tiruchirappalli in S.C.No.19/2015 and acquit the appellants.



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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 Mr.P.T.RAMESH RAJA, 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:-

The petitioners have filed this Criminal Miscellaneous Petition praying to suspend the sentence imposed on them by the learned Additional District and Sessions Judge No.II, Trichy, in S.C.No.19 of 2015 dated 04.08.2022 and to enlarge them on bail, pending disposal of the Criminal Appeal.

2. It is submitted by the learned counsel for the petitioners that a case has been registered against the petitioners in Crime No.01 of 2013 on the file of the respondent/Inspector of Police, Counterfeit Currency Wing, Crime Branch CID, Trichy District, for the offences punishable under Sections 489(C) of IPC and the same was taken on file in S.C.No.19 of 2015 before the learned Additional District and Sessions Judge No.II, Trichy. The petitioners were convicted and sentenced to undergo 2 years rigorous imprisonment and a fine of Rs.5,000/- with six months simple imprisonment in case of default for the offence under Section 489(C) IPC. Challenging the above said conviction, the petitioners have preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.



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3. The learned counsel for the petitioners submitted that the specific case of the prosecution is that the petitioners were identified by the informer, but the informer was not examined and the Village Administrative Officer (PW2) has deposed that he was accompanied by his assistant Vishwanathan and the said Vishwanathan was also not examined by the prosecution. The prosecution has also failed to prove the allegation levelled against them and corroborate the evidence of prosecution witnesses and therefore, the learned counsel prays for suspending the sentence imposed on the petitioners. He further submitted that the first petitioner is aged about 80 years and he is bedridden.

4. Per contra, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor submitted that the 2nd and 3rd petitioners have surrendered before the learned II Additional District Judge, Trichy on 29.01.2024 and remanded to judicial custody and hence, he strongly opposed to grant suspension of sentence to the petitioners.

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

6. This Court finds force in the submission of the learned counsel for the petitioners. Considering the facts and circumstances of the case, this Court *prima facie* feels that that there are arguable points involved in this criminal appeal and



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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 petitioners herein are entitled to the relief of grant of suspension of sentence.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Additional District and Sessions Judge No.II, Trichy, in S.C.No.19 of 2015 dated 04.08.2022 alone is suspended, subject to the following conditions:-

i) The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Additional District and Sessions Judge No.II, Trichy.

ii) The petitioners shall appear and sign before the learned Additional District and Sessions Judge No.II, Trichy, on the first working day of every English calendar month at 10.30 a.m., until further orders.

iii) In case, if the petitioners are unable to appear before the Court on the first working day of a month, they shall appear on the next working day.

iv) The petitioners shall furnish their residential address and mobile number to the Trial Court ie., learned Additional District and Sessions Judge No.II, Trichy.



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

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31/01/2024

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31/01/2024

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

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TO

- 1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE NO.II, TRICHY.
- 2 THE INSPECTOR OF POLICE
COUNTERFEIT CURRENCY WING,
CRIME BRANCH CID,
TRICHY DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.P.T.RAMESH RAJA, Advocate (SR-1220[I] dated 31/01/2024)

ORDER

IN

CRL MP(MD) No.660 of 2024

in

CRL A(MD)No.64 of 2024

Date :31/01/2024

(1/2)

SS/SAR- /31/01/2024/5P/6C

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