



CrI.MP.(MD).No.880 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.01.2025

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CrI.MP.(MD).No.880 of 2025

and

CrI.A(MD)No.73 of 2025

Lakshmanan

... Petitioner

Vs.

The Inspector of Police,
Saminathapuram Police Station,
Dindigul District.
(In Crime No.179 of 2016)

... Respondent

PRAYER : Petition filed under Section 430 of BNSS, praying to enlarge the petitioner on bail by suspending the sentence imposed in S.C.No.55 of 2018 by the Additional Sessions Court (Fast Track Court), Palani, dated 20.12.2024.

For Petitioners : Mr.P.Subbiah, Advocate

For Respondent : Mr.M.Sakthi Kumar

Government Advocate (CrI. Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed in S.C.No.55 of 2018 by the Additional Sessions Court (Fast Track Court), Palani, dated 20.12.2024 and enlarge the petitioner on bail till the disposal of this Criminal Appeal.



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2.The case of the prosecution is that on 20.09.2016, at about 08.10 p.m., when the defacto complainant was driving Government bus bearing Registration No.TN 57 N 1967, along with conductor and passengers towards Kaniur, at Palani-Utumalaipettai Salai, from east to west, near Lampothara Mill, at that time, the petitioner/A2 drove the two wheeler bearing Registration No.TN 57 AY 8318, along with pillion rider A1/Ravikumar, in the opposite direction, and A2 pelted stone on the front side glass of the Government bus and caused damage to the Government bus worth about Rs.5,000/ and also caused loss of Rs.2,150/- to the Government. Hence, the defacto complainant gave a complaint to the respondent Police.

3.On receipt of the complaint, the respondent Police registered a case in Crime No.179 of 2016 for the offence under Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, against the petitioner. The respondent Police, after completing the investigation has filed the final report and the same was taken on file in S.C.No.55 of 2018,by the learned Additional Sessions Court, (Fast Track Court), Palani.

4.During the trial, the prosecution has examined 11 witnesses as P.W.1 to P.W.11 and exhibited 9 documents as Ex.P.1 to Ex.P.9 and two material objects were



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marked as M.O.1 and M.O.2. On the side of the defence, neither a witness was examined nor a document was exhibited.

5.The learned Additional Sessions Court, (Fast Track Court), Palani, after full-fledged trial has passed the judgment in S.C.No.55 of 2018, dated 20.12.2024, and convicted the petitioner/accused for the offence under Section 3(1) of TNPPDL Act r/w 34 of IPC and sentenced him to undergo one year Simple Imprisonment and to pay a fine of Rs.10,000/- (Rupees Ten Thousand Only) in default to undergo three months simple imprisonment. Aggrieved over the above said conviction and sentence, imposed by the Courts below, the petitioner preferred the present Criminal appeal along with the present Miscellaneous Petition seeking for suspension of sentence.

6.The learned counsel for the petitioner submitted that the sentence imposed on the petitioner was suspended by the trial Court in Cr.M.P.No.72 of 2024, till the filing of appeal and the petitioner has paid fine amount of Rs.10,000/-. Hence, he seeks the suspension of sentence of imprisonment against petitioner.

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



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

9.Considering the facts and circumstances of the case and also considering the fact that the sentence imposed on the petitioner was suspended by the trial Court in Cr.M.P.No.72 of 2024 and there was no antecedent against the petitioner and there are some arguable points involved in the criminal appeal, the petitioner is entitled to the relief of grant of suspension of sentence.

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 learned Additional Sessions Court (Fast Track Court), Palani,;

(ii)The sureties shall affix his photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of his Aadhar card or Bank Pass Book to ensure their identity;

and



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(iii) The petitioner shall appear before the trial Court daily at

10.30 a.m., till the disposal of the appeal.

sd/-

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29/01/2025

Sub-Assistant Registrar ()

Madurai Bench of Madras High Court,
Madurai - 625 023.

VSG

TO

1 THE ADDITIONAL SESSIONS JUDGE(FAST TRACK COURT),
PALANI.

2 THE INSPECTOR OF POLICE,
SAMINATHAPURAM POLICE STATION,
DINDIGUL DISTRICT.

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

+1 CC to M/s.P.SUBBIAH, Advocate (SR-955[I] dated 28/01/2025)

ORDER

IN

CrI.MP.(MD).No.880 of 2025

and

CrI.A(MD)No.73 of 2025

Date :28/01/2025

SS/SAR- /29/01/2025/ 5P/5C

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