



CRL MP(MD) NO. 1970 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17-02-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL MP(MD) NO. 1970 of 2025

IN

CRL A(MD) NO. 201 OF 2025

1.Senthilkumar
2. Ashok Babu

Petitioner(s)

Vs

The State of Tamil Nadu,
Rep. by The Inspector of Police, Chathirapatti Police Station,
Dindigul District.

Respondent(s)

For Petitioner(s):

Mr.D.Venkatesh, Advocate

For Respondent(s): Mr.T.Senthil Kumar

Additional Public Prosecutor

ORDER

The petitioners are accused Nos.1 and 2 in S.C.No.144 of 2019, on the file of the Additional District (Fast Tract Court), Palani. The 1st appellant was found guilty and convicted under Sections 294(b), 324 and 353 IPC and Section 3(1) of the TNPPDL Act and sentenced to pay a sum of Rs.500/- as fine with default sentence of 2 weeks simple



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imprisonment for the offence under Section 294(b) IPC, to pay a sum of Rs.2000/- as fine with default sentence of 1 month simple imprisonment for the offence under Section 324 IPC, to pay a sum of Rs.5000/- as fine with default sentence of 2 months simple imprisonment for the offence under Section 353 IPC and to undergo 1 year simple imprisonment and to pay a sum of Rs.5000/- as fine with default sentences of 2 months simple imprisonment for the offence under Section 3(1) of TNPPDL Act and the 2nd appellant was convicted under Sections 294(b) and 353 IPC and Section 3(1) of the TNPPDL Act and sentenced to pay a sum of Rs.500/- as fine with default sentence of 2 weeks simple imprisonment for the offence under Section 294(b) IPC, to a pay a sum of Rs.5000/- as fine with default sentence of 2 months simple imprisonment for the offence under Section 353 IPC and to undergo 1 year simple imprisonment and to pay a sum of Rs.5000/- as fine with default sentence of 2 months simple imprisonment for the offence under Section 3(1) of the TNPPDL Act. The appellants have filed criminal appeal and this criminal miscellaneous petition to suspend the sentence pending the criminal appeal.

2.The learned counsel appearing for the petitioners submits that PW11 the doctor who treated PW1 did not support the prosecution case. PW14 the investigating officer accepted the delay of 2 years in dispatching the documents Ex.P1 to Ex.P10 to the Court and that no identification parade was conducted, while the



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accused are unknown persons. There was a motive between the petitioners and the PW13 the Sub Inspector of Police of the respondent Police Station. The learned Counsel further submits that they are having fair chance of succeeding in the appeal and therefore, prayed to suspend the sentence pending the criminal appeal.

3.The learned Additional Public Prosecutor appearing for the State submits that the trial Court has considered the evidence and the documents produced by the prosecution and rightly found the petitioners guilty and convicted. Therefore, he has raised his objection to suspend the sentence imposed on the petitioners, pending this appeal.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5. The petitioners are having some arguable points in the appeal. Further, the appeal could not be taken up for final hearing in the near future. In view of the above, this Court is inclined to suspend the sentence imposed on the petitioner.

6.Accordingly, this Criminal Miscellaneous Petition is ordered and the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioners are ordered to be enlarged on bail on executing a bond for 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 Judge, Palani



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and on further condition that the petitioner shall report before the trial Court on the first working day of every month.

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

DSK
TO

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

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

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

+1 CC to M/s.D.VENKATESH, Advocate (SR-1766[I] dated 18/02/2025)



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ORDER
IN
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IN
CRL A(MD) NO. 201 OF 2025
Date :17/02/2025

SA/VR/SAR. /28.02.2025/5P/5C

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