

Crl.MP(MD) No.6018 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.6018 of 2025

in

Crl.A(MD) No.524 of 2025

Muthiah

... Petitioner

Vs.

State of Tamil Nadu,
Rep by the Inspector of Police,
Sedapatti Police Station,
Madurai District.
Crime No.59/2011

... Respondent

For Petitioner : Mr.K.Anbumanikandan

For Respondent : Mr.P.Kottachamy

Government Advocate

ORDER

The petitioner, an accused in SC.No.73 of 2012 was tried by the learned Principal Sessions Judge, Madurai and he was found guilty by the trial Court for the offence under Section 3(1) of TNPPDL Act, convicted and sentenced to undergo two years rigorous imprisonment with fine of Rs.2,000/- and default sentence of three months simple imprisonment was also imposed. As against the conviction and sentence imposed by the trial Court in SC.No.73 of 2012, dated 07.04.2025, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.524 of 2025 and the same is



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admitted by this Court today. The petitioner has also moved this application to
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suspend the sentence imposed on him by the trial Court.

2.The case of the prosecution is that this petitioner has damaged the mirror of TNSC bus, worth Rs.1,500/- and also abused the defacto complainant in filthy language. Therefore, he was prosecuted and convicted as state supra.

3.The learned counsel for the petitioner submits though PWs 1 and 2, the driver and conductor of TNSC bus have deposed that they have not seen this appellant/accused in the alleged scene of occurrence and they have seen him only in the Police Station, the trial Court has found this appellant guilty, based on the other portion of the evidence of PWs 1 and 2. The learned counsel further submits that except PWs 1 and 2, the other witnesses cited as eye witnesses by the prosecution have turned hostile.

4.The learned Government Advocate appearing for the respondent submits that though this petitioner was tried for the offence punishable under Sections 341 and 294 (b) and Section 3(1) of TNPPDL Act, based on the evidence and materials placed before the trial Court, the trial Court has concluded that the charges as against this petitioner for the offence under Section 3(1) of TNPPDL Act has been proved and convicted him for the offence under Section 3(1) of TNPPDL Act.

5.This Court considered the rival submissions made and also perused the



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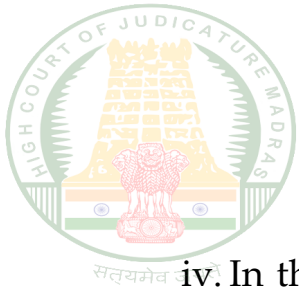
materials placed on record.

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6.The appeal filed by this petitioner as against the conviction and sentence imposed by the trial Court has been admitted by this Court on the grounds raised in support of the appeal. The trial Court while passing the judgment has suspended the sentence imposed on the petitioner till 07.05.2025. Since the petitioner is having certain arguable points, which needs to be considered at the time of final hearing of the appeal, this Court is inclined to suspend the sentence imposed on the petitioner with certain conditions.

7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on the following conditions:-

- i. The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Principal Sessions Judge, Madurai.
- ii. The petitioner shall file an undertaking affidavit before the respondent police that he will not indulge in any such offence in future.
- iii. The petitioner shall report before the Principal Sessions Court, Madurai, once in a month on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal.



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iv. In the event, if the petitioner has violated any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

sd/-
29/04/2025

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

VRN
TO

1 THE PRINCIPAL SESSIONS JUDGE,
MADURAI.

2 THE INSPECTOR OF POLICE,
SEDAPATTI POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.K.ANBU MANIKANDAN, Advocate (SR-5015[I] dated 29/04/2025)



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CrI.MP(MD) No.6018 of 2025

ORDER

IN

CrI.MP(MD) No.6018 of 2025

in

CrI.A(MD) No.524 of 2025

Date :29/04/2025

SA/SAR. /02.05.2025/5P/5C

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