

Crl.M.P.No.10984 of 2016
in
Crl.A.No.734 of 2016

M.VENUGOPAL, J.

Heard Mr.V.Ayyathurai, Learned Counsel for the Petitioners/Appellants and Ms.M.F.Shabana, Learned Government Advocate (Crl. Side) for the Respondent/Complainant.

2.The Petitioners/Appellants/A1 to A3 have focused the instant Criminal Appeal as against the Judgment dated 07.10.2016 in Special Sessions Case No.169 of 2015 passed by the Learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, Villupuram.

3.It transpires that the Petitioners/Appellants/A1 to A3 were convicted in respect of an offence under Section 323 I.P.C. and they were sentenced to undergo simple imprisonment for a period of one year each and further they were ordered to pay a fine of Rs.1000/- each and in default of payment of fine, they were directed to undergo simple imprisonment for a period of three months each. In

so far as the offence under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, they were convicted and sentenced to undergo simple imprisonment for a period of one year each. Besides they were directed to pay a fine of Rs.4,000/- each, in default of payment of fine, they were directed to undergo simple imprisonment for a period of three months. In respect of an offence under Section 325 I.P.C., the 3rd Petitioner/ 3rd Appellant/A3 was acquitted, since the charge was not proved against him.

4.It is represented on behalf of the Petitioners/Appellants/ Accused that they had remitted the total amount of Rs.5,000/- each to the credit of Special Sessions Case No.169 of 2015 on the file of the trial Court on 07.10.2016.

5.Being dissatisfied with the Judgment dated 07.10.2016 passed against the Petitioners/Appellants/A1 to A3, the present Appeal is filed by them, as an aggrieved person, before this Court assailing the validity, legality and correctness of the Judgment so delivered.

6. In response, the Learned Government Advocate (Crl. Side) contends that in the main case, on behalf of the Prosecution, the trial Court had examined witnesses P.W.1 to P.W.12 and marked Exs.P.1 to P.9. However, no one was examined as a witness on the defence side and no document was marked. In fact, the stand of the Respondent/State is that the trial Court on an appreciation of the entire oral and documentary evidence available on record, come to the resultant conclusion that the Petitioners/Appellants/Accused were guilty in respect of the offence under Sections 323 I.P.C. and under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and imposed necessary punishments thereto.

7. As this stage, this Court aptly points out that an 'Appeal' is a continuation of original proceedings in S.S.C.No.169 of 2015 on the file of the trial Court and filing of an 'Appeal' is a statutory right conferred upon the Petitioners/Appellants to challenge the Judgment of the trial Court in S.S.C.No.169 of 2015 dated 07.10.2016, in terms of the Criminal Procedure Code.

8. In this connection, this Court has perused the various grounds raised in the Memorandum of Appeal (filed by the Petitioners/Appellants) and is of the earnest opinion that the Petitioners/Appellants/A1 to A3 have raised arguable and vital points which are to be looked into by this Court in detail at the time of final hearing of the Criminal Appeal.

9. Be that as it may, in view of the fact that the present Appeal is a continuation of original proceedings in S.S.C.No.169 of 2015 on the file of the trial Court and also this Court taking note of the fact that the Petitioners/Appellants have raised numerous grounds in the main Appeal and bearing in mind another fact that the present Appeal is not likely to be heard in the near future, at this stage, this Court is inclined to suspend the substantial sentence of imprisonment alone and orders the release of the Petitioners/Appellants/A1 to A3 on each of them executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a like sum to the satisfaction of the Learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, Villupuram and on further condition that they shall

appear before the said Court on the First Working day of every English calendar month at 11.00 a.m. without fail till the disposal of the Criminal Appeal.

10. Accordingly, the Crl.M.P.No.10984 of 2016 is ordered.

20.10.2016

Index : Yes / No

Internet : Yes / No

Sgl

Note: Issue order copy on .10.2016

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