

Crl.M.P.No.5561 of 2016
in
CRL.A.No.364 of 2016

V.BHARATHIDASAN, J.

The petitioners are A1 to A6 in this case. A1 has been convicted for the offences under sections 323, 324, 326, 294(b) IPC and under section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act and sentenced to undergo six months simple imprisonment and to pay fine of Rs.500/- and in default, to undergo 1 ½ month simple imprisonment for the offence under Section 323 IPC and sentenced to undergo one year simple imprisonment and to pay fine of Rs.2000/- and in default, to undergo three months simple imprisonment for the offence under Section 324 IPC and sentenced to undergo two years simple imprisonment and to pay fine of Rs.5000/- and in default, to undergo six months simple imprisonment for the offence under Section 326 IPC and sentenced to undergo two months simple imprisonment and to pay fine of Rs.2000/- and in default, to undergo simple imprisonment for 15 days under section 294(b) IPC and sentenced to undergo one year simple imprisonment and to pay fine of Rs.3000/- and in default, to undergo three months simple imprisonment for the offence under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. A2 has been convicted for the offences under sections 323, 324, 294(b) IPC and under section 3(1)(x)

of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act and sentenced to undergo 6 months simple imprisonment and to pay fine of Rs.500/- and in default, to undergo 1 ½ month simple imprisonment for the offence under Section 323 IPC and sentenced to undergo one year simple imprisonment and to pay fine of Rs.2000/- and in default, to undergo three months simple imprisonment for the offence under Section 324 IPC and sentenced to undergo two months simple imprisonment and to pay fine of Rs.2000/- and in default, to undergo simple imprisonment for 15 days under section 294(b) IPC and sentenced to undergo one year simple imprisonment and to pay fine of Rs.3000/- and in default, to undergo three months simple imprisonment for the offence under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. A3, A4 and A6 have been convicted for the offences under sections 323, 294(b) IPC and under section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act and sentenced to undergo 6 months simple imprisonment and to pay fine of Rs.500/- and in default, to undergo 1 ½ month simple imprisonment for the offence under Section 323 IPC and sentenced to undergo two months simple imprisonment and to pay fine of Rs.2000/- and in default, to undergo simple imprisonment for 15 days under section 294(b) and sentenced to undergo one year simple imprisonment and to pay fine of Rs.3000/- and in default, to undergo three

months simple imprisonment for the offence under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. A5 has been convicted under section 294 (b) and under section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act IPC and sentenced to undergo two months simple imprisonment and to pay fine of Rs.2000/- and in default, to undergo simple imprisonment for 15 days under section 294(b) IPC and sentenced to undergo one year simple imprisonment and to pay fine of Rs.3000/- and in default, to undergo three months simple imprisonment for the offence under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. Hence the petitioners have come forward with this petition seeking for the relief of the suspension of sentence pending appeal.

2. The case of the prosecution is that the accused attacked P.W.1 and scolded him in filthy language and hence, the present case has been registered.

3. The learned counsel for the petitioners would contend that the prosecution has not proved its case beyond reasonable doubt and the same suffers from serious infirmities and inconsistencies. Hence, it is submitted that the petitioners are entitled for the suspension of sentence.

4. Per contra, learned Additional Public Prosecutor contended that the entire case is based on oral and documentary evidence and the Trial Court correctly appreciated the same and convicted the appellant and there is no infirmity or irregularity in the judgment of the Trial Court.

5. This Court carefully considered the rival contentions put forward by either side and also perused the entire materials available on record including the impugned judgment of conviction. A perusal of the materials on records and the contentions of the learned counsel for the petitioners show that there are arguable points involved in this appeal.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioners as he has pointed out several infirmities in the prosecution case in respect of the petitioners and that there are arguable points involved in the appeal and further, the 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 for the relief of suspension of sentence.

7. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are directed to be enlarged on bail on condition that each petitioner shall execute a bond for a sum of Rs.10,000/- [Rupees ten thousand only] with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial Cases Registered under SC/ST (POA) Act, Villupuram and on further condition that the petitioners shall appear before before the concerned Court on the first working day of every month at 10.30 a.m., until further orders.

12.05.2016

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Heard the learned counsel for the appellants.

2. Admit this Criminal Appeal.

3. The learned Additional Public Prosecutor takes notice for the respondent and seeks time to file counter.

4. Call for the records from the Trial Court.

5. Post after vacation.

12.05.2016

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