



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty Third day of November Two Thousand Sixteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP(MD) No.11544 of 2016
IN CRL A(MD) No.448 of 2016

SELVAM ALIAS KUDUMBI SELVAM ..PETITIONER/APPELLANT/SOLE ACCUSED
Vs.

STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
SUB DIVISION, THENI,
ALLINAGARAM POLICE STATION,
THENI DISTRICT.
CR NO. 127/2012.

..RESPONDENT/RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to SUSPEND THE SENTENCE imposed against the Petitioner in Spl.S.C. No.2/2013 dated 10.11.2016 on the file of the learned District Sessions Court, Theni and enlarge him on bail pending disposal of Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.SUBASH BABU, Advocate for the petitioner and of Mr.P.KANDASAMY, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

The accused in Spl.C.C.No.2 of 2013, on the file of learned Principal District Sessions Judge, Theni, while challenging his conviction and sentence, seeks appeal bail under Section 389(1) Cr.P.C.

2. I have heard the learned counsel for the petitioner / accused and the learned Government Advocate (crl.side) for the respondent. I have also perused the Judgment of the trial Court.

3. After trial, he has been convicted and sentenced as under:

Conviction	Sentence
Section 324 IPC. r/w. Section 3(2) (va) of Scheduled Caste and Scheduled Tribes (POA) Amendment Act, 2004	1 Year R.I. + Fine Rs.1000/-, i/d 3 Months S.I.
Section 3(1)(x) of Scheduled Caste and Scheduled Tribes Act, 1989	1 Year R.I. + Fine Rs.1000/-, i/d 3 Months S.I.



4. The learned counsel for the petitioner submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised. He would further submit that the trial Court already granted the relief of suspension of sentence till 14.12.2016. Further, the fine amount was already paid and a copy of the receipt is also produced.

5. The learned Government Advocate (Criminal Side) submitted that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioner. However, there is no serious objection on the side of the respondent in ordering the suspension of sentence.

6. In the facts and circumstances, perusing the impugned Judgment and the materials on record, I am of the view that certain eminently arguable points are involved in this criminal appeal. They are required to be examined in detail in the main criminal appeal. Further, it will take some time for the disposal of the criminal appeal.

7. On considerations, ordered as under:

(i) Appeal bail granted.

(ii) Substantial sentence alone is suspended on condition that the petitioner shall execute a bond for Rs.15,000/- (Rupees Fifteen thousand only) with two sureties for the like sum each to the satisfaction of the Principal District Sessions Judge, Theni.

(iii) The petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m., until further orders.

sd/-

23/11/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE DISTRICT SESSIONS JUDGE, THENI.

2 THE DEPUTY SUPERINTENDENT OF POLICE, SUB DIVISION, THENI,
ALLINAGARAM POLICE STATION, THENI DISTRICT.

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

+1. C.C. to M/S.M.SUBASH BABU Advocate SR.No.72082

ORDER IN

CRL MP(MD) No.11544 of 2016

IN CRL A(MD) No.448 of 2016

Date : 23/11/2016