



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

Wednesday, the Twenty First day of September Two Thousand Sixteen
PRESENT

The Hon`ble Mr.Justice S.NAGAMUTHU
and

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL MP(MD) No.3972 of 2016

IN

CRL A(MD) No.152 of 2016

SINGH @ BHAGAVATHSINGH

... PETITIONER/APPELLANT

Vs

THE DEPUTY SUPERINTENDENT OF POLICE,
PARAMAKUDI SUB DIVISION,
PARAMAKUDI, EMANESWARAM POLICE STATION,
(CRIME NO. 43/2009)

... RESPONDENT/RESPONDENT

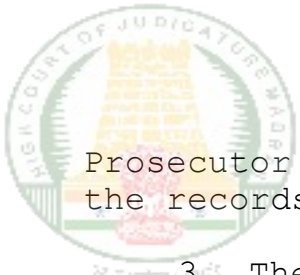
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed by the Learned Principal Sessions Judge, Ramanathapuram in Spl.S.C.No.81/2010 dated 28.04.2016 and to enlarge the appellant on bail in connection with Spl.S.C.No. 81/2010 on the file of the Learned Principal Sessions Judge, Ramanathapuram pending disposal of the above Crl.A.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.VEERAKATHIRAN, Senior Counsel for MR.C.JEGANATHAN, Advocate for the petitioner and of MR.R.RAMACHANDRAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner is the first accused in Special S.C.No.81 of 2010 on the file of the learned Principal Sessions Judge, Ramanathapuram. There was another accused, by name, Suresh, who was arrayed as the second accused. The first accused stood charged for the offences punishable under Sections 294(b), 307 of the Indian Penal Code, 3(1)(x) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Trial Court, by judgment dated 28.04.2016, has convicted him. The maximum sentence imposed upon him is the imprisonment for life. Challenging the said conviction and sentence, the petitioner has come up with the present Criminal Appeal. Pending appeal, he seeks suspension of sentence.

2. We have heard Mr.Veera Kathiravan, learned Senior Counsel appearing for the petitioner and the learned Additional Public



Prosecutor appearing on behalf of the State. We have also perused the records carefully.

3. The main contention raised by the learned Senior Counsel appearing for the petitioner is that as required under Rule 7 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995, there was no special authorization in favour of the Investigating Officer in this case and thus, the conviction is invalid and also illegal. For this proposition, the learned Senior Counsel relies on a judgment of the Hon'ble Supreme Court in **State of M.P. v. Chunnilal [2009 (12) SCC 649]**. The learned Senior Counsel would, further, rely on a judgment of a learned Single Judge of this Court in **K.Ragupathi v. State [2015(1) LW (Cr1.) 137]**.

4. In order to ascertain whether any special authorization was given in favour of the Investigating Officer in this case, as required under Rule 7 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995, on the earlier occasion, this Court directed the learned Additional Public Prosecutor to cause the presence of the Investigating Officer. Accordingly, he is present in Court today. When we enquired, he was not in a position to produce any such letter of authorization. In view of the said position and in view of the legal position propounded by the Hon'ble Supreme Court, we are inclined to suspend the sentence.

5. In the result, the petition is allowed and the substantive sentence of imprisonment imposed on the petitioner/accused No.1 alone is suspended pending disposal of the above said Cr1.A.(MD) No.152 of 2016 and the petitioner is directed to be enlarged on bail on his executing 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 Judicial Magistrate, Paramakudi, subject to a condition that he shall report before the Committal Court, once in a month, i.e., on the first working day of every English Calendar month at 10.30 a.m. until further orders.

sd/-

21/09/2016

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



TO

1 THE PRINCIPAL SESSIONS JUDGE, RAMANATHAPURAM.

2 THE JUDICIAL MAGISTRATE
PARAMAKUDI.

3 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

5 THE DEPUTY SUPERINTENDENT OF POLICE,
PARAMAKUDI SUB DIVISION,
PARAMAKUDI,
EMANESWARAM POLICE STATION.

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

+1. C.C. to M/S C.JEGANATHAN Advocate SR.No.54139

ORDER
IN
CRL MP (MD) No.3972 of 2016
IN
CRL A (MD) No.152 of 2016
Date :21/09/2016

PA/AAL-MPA/SAR I/21.09.2016/3P/8C