

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighteenth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice N. AUTHINATHAN

CRIMINAL MISCELLANEOUS PETITION No.11615 of 2017

IN CRL A.589/2017

1 SENPAGAVALLI,
2 VENKATESAN,

[PETITIONERS/APPELLANTS/ACCUSED]

Vs

THE DEPUTY SUPERINTENDENT OF [RESPONDENT]
POLICE, TIRUPATTUR SUB DIVISION,
TIRUPATTUR TALUK POLICE STATION.
CR.NO.729 OF 2012.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.589 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed against the petitioner in the Judgment passed in Special Sessions Case No.07 of 2014 dated 06.09.2017 on the file of the Court of the Principal Sessions Judge, Vellore, Vellore District and enlarge the petitioner on bail pending disposal of the above CRL.A.NO.589/2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.589 of 2017 on the file of the High Court and upon hearing the arguments of MR.S.DORAISAMY, Advocate for the petitioner and of MR. K.MATHAN, on behalf of the Respondent the court made the following order:-

Heard both sides.

2 . The petitioners seek suspension of sentence pending disposal of the appeal.

3. The petitioners 1 & 2 are the accused No. 1 & 2 in Special Sessions Case No.7 of 2014 on the file of the learned Principal Sessions Judge, Vellore and they were convicted for the offence under Section 3(1)(x) of SC & ST Act and 324 of IPC and sentenced to undergo six months rigorous Imprisonment each and to pay a fine of Rs.1,000/- each, in default to undergo 3 months simple imprisonment each for the offence under Section 3(1)(X) Of SC & ST Act; and sentenced to undergo rigorous imprisonment of one year each and to pay a fine of Rs.1,000/- each, in default, to undergo simple imprisonment for three months each for the offence under Section 324 IPC. Aggrieved by the order of conviction and sentence, the

petitioners herein preferred an Appeal along with the 3rd accused and pending appeal, they filed this petition for suspension of sentence.

2. The learned counsel appearing for the petitioners would submit that the first petitioner is the Head Master of the Middle School and the 2nd petitioner is the Secretary of the Co-operative Society and the Trial court has already suspended the sentence till 06.10.2017. He further submit that there are arguable points in the appeal and that therefore, he prayed for the suspension of the sentence.

3. The learned Government Advocate (Crl. Side) has not raised any serious objection, as the Trial Court has already suspended the sentence.

4. I have perused the materials on record and the judgment of the Trial Court. There is no fear that the petitioners will flee from justice and there is no allegation that they have misused their liberty, during trial. Hence, I am inclined to suspend the substantive sentence of imprisonment alone subject to the following conditions.

5. The sentence of imprisonment imposed on the petitioners by the trial Court alone is hereby suspended till the disposal of the appeal and the petitioners are ordered to be released on bail on their executing a bond for Rs.5,000/- each [Rupees five thousand only] with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Thirupatur, within a period of two weeks from the date of receipt of a copy of this order and on further condition that the petitioners shall report before the said court, on the first working day of every month at 10.30 a.m., until further orders.

-sd/-
18/09/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.III, THIRUPATUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PRINCIPAL SESSIONS JUDGE,
VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DEPUTY SUPERINTENDENT OF
POLICE, TIRUPATTUR SUB DIVISION,
TIRUPATTUR TALUK POLICE STATION.

+1 C.C. to M/S.S.DORAISAMY Advocate on payment of necessary
charges-Sr.17916

Order

in
CRL MP.11615/2017

in
CRL A.589/2017

Date :18/09/2017

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 18.09.2017