

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.15364 of 2017

IN CRL A.765/2017

MUNUSAMY @ SETTU

[PETITIONER]

Vs

STATE BY

[RESPONDENT]

THE DEPUTY SUPERINTENDENT OF POLICE,
TINDIVANAM, VILLUPURAM DISTRICT.

(VELLIMEDUPET POLICE STATION
CR.NO.190 OF 2014)

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.765/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence passed in S.C.No.244 of 2015 by the Sessions Judge, Special court for Exclusive Trial of cases registered under SC/ST Act, Villupuram District convicting the petitioner under section 506 (ii) IPC, sentencing him to undergo rigorous imprisonment for 2 years and to pay a fine of Rs.5000/- in default, to undergo simple imprisonment for three months and convicting the petitioners under section 3(1) (X) of SC/ST (POA) Act, sentencing him to undergo rigorous imprisonment for 2 years and to pay a fine of Rs.5000/- in default, to undergo simple imprisonment for three months, release the petitioner on bail until disposal of the above CRL A.765/2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.765/2017 on the file of the High Court and upon hearing the arguments of MR.A.BALAMURUGAN, Advocate for the petitioner the court made the following order:-

The petitioner, who is the sole accused has been convicted by the learned Sessions Judge, Special Court for Exclusive Trial of Cases Registered under SC/ST Act, Villupuram in S.C.No.244 of 2015 for the offence under Sec.506(ii) IPC and Sec.3(1)(X) of SC/ST (POA) and has been sentenced to undergo rigorous imprisonment for two years and fine of Rs.5,000/-, in default, to undergo simple imprisonment for three months for the offence under Sec.506(ii) IPC and two years rigorous imprisonment and fine of Rs.5,000/- in default, to undergo simple imprisonment for three months for the offence under Sec.3(1)(X) of SC/ST (POA) by judgment dated 14.11.2017 in S.C.No.244 of 2015.

2. The petitioner has paid the fine amount and the trial Court has suspended the substantive sentence of imprisonment under Sec.389(3) of Criminal Procedure Code.

3. The case of the prosecution is that one Shanmugam was hairdressing P.W.2 and at that time, it is alleged that this petitioner had abused P.W.2 by caste name.

4. The learned counsel for the petitioner submitted that the said Shanmugam has not been examined by prosecution and he is a very vital witness. The learned counsel also submitted that the complaint itself has been given belatedly and thus, there are arguable points in favour of the petitioner.

5. Heard the learned Additional Public Prosecutor and perused the materials available on record.

6. Fine amount has been paid. In such view of the matter and also taking into consideration of the fact that the likelihood of not taking up the appeal for hearing in the near future, this Court is inclined to suspend the sentence.

7. Accordingly, substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of Cases for SC/ST Act, Villupuram and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(ii) the petitioner shall appear before the trial Court at 10.30 a.m on the first working day of every month till the disposal of the appeal.

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iii) If the petitioner is not able to appear on any particular date, he may file a petition under Sec.317 of Criminal Procedure Code through his counsel for condoning his absence and shall appear before the trial Court on another date, in lieu of the date of his absence.

-sd/-

06/12/2017

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 SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
FOR SC/ST ACT, VILLUPPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
TINDIVANAM, VILLUPURAM DISTRICT.
(VELLIMEDUPET POLICE STATION.)

+1C.C. to M/S.A.BALAMURUGAN Advocate on payment of necessary
charges in SR.NO. 22200

Order

in
CRL MP.15364/2017

in
CRL A.765/2017

Date :06/12/2017

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MLT-12/12/2017