

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirteenth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

CRIMINAL MISCELLANEOUS PETITION No.5323 of 2017

IN CRL A.221/2017

1 RANGASAMY,
2 MURUGAN,

[APPELLANTS/ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPUR DISTRICT.
CR.NO.1170 OF 2015.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.221 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in Judgment dated 24.03.2017 made in Spl.S.C.No.8 of 2016 on the file of the Court of District and Sessions Judge, Tiruppur pending CRL.A.NO.221 OF 2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.221 of 2017 on the file of the High Court and upon hearing the arguments of M/S.J.RAMKUMAR, Advocate for the petitioner and of Mr.M.Mohamed Riyaz, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

Petitioners were convicted for offences u/s.323 IPC and sentenced to six months simple imprisonment, for offence u/s 3(1)(s) of SC/ST (POA) Amendment Act, 2015 and sentenced to six months simple imprisonment and fine of Rs.5,000/- i/d one month S.I. each, for offence u/s 3(2)(VA) of SC/ST (POA) Amendment Act, 2015 and sentenced to six months simple imprisonment by learned District and Sessions Judge, Tiruppur, under judgment in Spl.S.C.No.8 of 2016 dated 24.03.2017. Hence, petitioners seek suspension of sentence.

2. Learned counsel for the petitioners submits that there are several infirmities and inconsistencies found in the prosecution case and there are contradictions in the material particulars between the evidence of the prosecution witnesses.

3. Heard learned Additional Public Prosecutor on the submissions made by learned counsel for petitioners.

4. Considering the facts and circumstances of the case and in view of the fact that there are several infirmities in the prosecution case and there are arguable points involved in the appeal, as contended by learned counsel for petitioners 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 to the relief of grant of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are directed to be enlarged on bail on condition that the petitioners shall execute a separate 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 District and Sessions Judge, Tiruppur and on further condition that the petitioners shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-
13/04/2017

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 DISTRICT AND SESSIONS
JUDGE, TIRUPPUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPUR DISTRICT.

+1 C.C. to M/S.J.RAMKUMAR Advocate on payment of necessary
charges-Sr.6754

Order

in
CRL MP.5323/2017

in
CRL A.221/2017

Date :13/04/2017

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 13.04.2017