

Crl.M.P.No. 7473 of 2017

in

Crl.A.No.321 of 2017

V.BHARATHIDASAN, J.,

The petitioner seeks suspension of his sentence of imprisonment in Crl.M.P.No.7473 of 2017.

2. The petitioner faced trial in Spl.S.C.No.189 of 2015 on the file of the Special Court for Exclusive Trial of Cases registered under the scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram and the trial Court, by a judgment dated 18.05.2017, convicted the accused under Section 3(1)(x) of the SC/ST (POA) Act, 1989 and sentenced him to undergo simple imprisonment for one year and to pay a fine of Rs.5000/-, in default, to undergo simple imprisonment for 3 months and acquitted him from the offences under Sections 448, 352 and 506(i) IPC.

3. Challenging the above said conviction and sentence, the present appeal has been filed along with this petition for suspension of sentence.

4. The learned counsel appearing for the petitioner submits that the Court below partly disbelieving the evidence of P.W.1 acquitted the petitioner from the charges under Sections 448, 352 and 506(i) IPC and erroneously convicted him under Section 3(1)(x) of SC/ST (POA) Act 1989.

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5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (crl. Side) appearing for the respondent and perused the impugned judgments and the materials available on record.

6. Taking into consideration of the submission of the learned counsel appearing for the petitioner, since there are some arguable points involved in the appeal, I am inclined to suspend the substantive sentence of imprisonment alone.

7. Accordingly, pending appeal, **substantive sentence of imprisonment alone is suspended** and the petitioner is released 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 Sessions Judge, Special Court for Exclusive Trial of Cases registered under the scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram, with further condition that he shall appear before the said court on the first working day of every month at 10.30 a.m., until further orders.

16.06.2017

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