



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

Monday, the Third day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP (MD) No.5638 of 2017
IN
CRL A (MD) No.206 of 2017

PALANICHAMY

... PETITIONER/APELLANT/
SOLE ACCUSED

Vs

STATE, REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
MUTHUKULATHUR SUB-DIVISION,
PARAMAKUDI TALUK POLICE STATION,
CRIME NO.146/2011

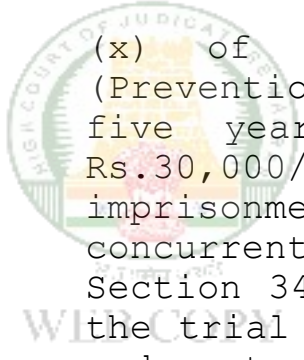
... RESPONDENT/RESPONDENT/
COMPLAINANT

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 in S.C.No.28/2014 dated 28/06/2017 by the Principal District and Sessions Judge, Ramanathapuram pending disposal of the above Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.XAVIER ARULRAJ, Counsel for M/S.S.G. MUTHARASU, Advocate for the petitioner and of MR.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor for the Respondent the court made the following order:-

This petition has been filed praying to suspend the sentence imposed against the petitioner/sole accused in S.C.No.28 of 2014 by the Principal District and Sessions Court, Ramanathapuram.

2.The petitioner is the sole accused in S.C.No.28 of 2014 on the file of the Principal District and Sessions Court, Ramanathapuram, who stood charged for an offence Sections 341 and 355 IPC and 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The trial Court convicted the petitioner under Section 355 IPC, and sentenced him to undergo two years rigorous Imprisonment and imposed a fine of Rs.2,000/-, in default, to undergo two months simple imprisonment; he was also convicted under Section 3(1)



(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and sentenced to undergo five years rigorous imprisonment and imposed a fine of Rs.30,000/-, in default, to undergo three months rigorous imprisonment. The trial Court ordered the sentences to run concurrently and acquitted the petitioner for the offence under Section 341 IPC. Against the conviction and sentence passed by the trial Court, CrI.A(MD)No.206 of 2017 has been filed and in order to suspend the sentence, the present Miscellaneous Petition is filed.

3.Heard Mr.Xavier Arulraj, the learned Senior Counsel appearing for the petitioner and Mr.C.Mayilvahan Rajendran, learned Additional Public Prosecutor appearing for the respondent and perused the records carefully.

4.The learned counsel appearing for the petitioner submitted that absolutely there is no evidence to show that the petitioner has abused the defacto complainant in public place and also assault him. The learned Senior Counsel also submitted that there are arguable points in favour of the petitioner.

5.Considering the facts and circumstances of the case and also considering the nature of offence said to have been committed by the petitioner, I am inclined to suspend the sentence of imprisonment alone imposed against the petitioner.

6.In fine, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner/sole accused alone is suspended and the petitioner shall be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Paramakudi with a further condition that the petitioner shall report before the committal Court on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal or until further orders.

sd/-
03/07/2017

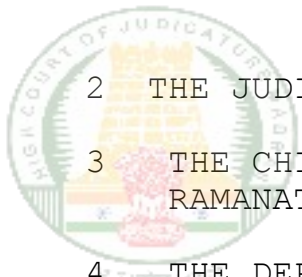
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

mj
TO

<https://hcservices.ecourts.gov.in/hcservices/>

I THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, RAMANATHAPURAM



2 THE JUDICIAL MAGISTRATE, PARAMAKUDI

3 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT

4 THE DEPUTY SUPERINTENDENT OF POLICE,
MUTHUKULATHUR SUB-DIVISION,
PARAMAKUDI TALUK POLICE STATION,

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

6 THE SUPERINTENDENT CENTRAL PRISON, MADURAI.

+2. C.C. to M/S.S.G. MUTHARASU Advocate SR.No.25652

GJM/PM/PN/SAR-2-3.7.17-3P-9C

ORDER

IN

CRL MP(MD) No.5638 of 2017

IN

CRL A(MD) No.206 of 2017

Date :03/07/2017