



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

Thursday, the Twenty Fourth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP (MD) No.7716 of 2017
IN
CRL A (MD) No.330 of 2017

S.SARAVANAN

... PETITIONER

Vs

THE DEPUTY SUPERINTENDENT OF POLICE,
VETHARANIYAM SUB DIVISION,
NAGAPATTINAM DISTRICT,
CR NO. 238/2015.

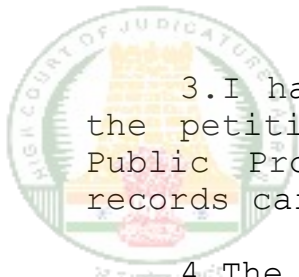
... RESPONDENT

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.S.C No. 08/2016 dated 01.06.2017 on the file of the 1st Additional district and Sessions Judge (PCR) Thanjavur pending disposal of the Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.A.ARUN PRASAD, Advocate for the petitioner and of Mr.C.Mayilvahana Rajendran, Additional Public Proecutor on behalf of 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.S.C.No.08 of 2016, dated 01.06.2017, by the learned Additional District and Sessions Judge (PCR Court), Thanjavur District.

2.The petitioner is the sole accused in S.S.C.No.08 of 2016, on the file of the learned Additional District and Sessions Judge (PCR Court), Thanjavur District, who stood charged for the offence under Sections 294(b) and 307 of IPC read with Section 3(2)(v) and 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The trial Court convicted the petitioner under Section 324 IPC instead of Section 307 IPC and the petitioner was sentenced to undergo two years rigorous imprisonment and imposed a fine of Rs.2000/-, in default, to undergo three months simple imprisonment. Against the conviction and sentence passed by the trial Court, Crl.A (MD)No.330 of 2017 has been filed and pending appeal, in order to suspend the sentence, the present Miscellaneous Petition is filed.



3.I have heard Mr.A.Arun Prasad, learned 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 would contend that six eyewitnesses were examined in this case and there are lot of contradictions in their evidence. PW1, the injured witness, while he was admitted in the hospital stated that he has been attacked by some unknown persons and later he had stated that he know the accused before the occurrence. Hence, without considering the entire evidence in proper perspective, the trial Court convicted the petitioner for the offence under Section 324 IPC and disbelieving the evidence of the prosecution, the trial Court acquitted the accused from the charges under Section 294(b) of IPC and 3(2)(v) and 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5.I have considered the rival submissions and the materials available on record.

6.Considering the facts and circumstances of the case and since there are some arguable points involved in the appeal and it may take a long time for taking up the appeal for hearing, I am constrained to suspend the sentence of imprisonment alone imposed against the petitioner.

7. In fine, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner 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 learned Additional District and Sessions Judge(PCR Court),Thanjavur District, with a further condition that the petitioner shall report before the Trial 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/-
24/08/2017

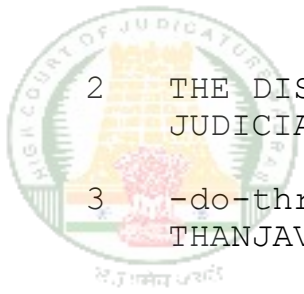
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE IST ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR),

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



2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VEDARANIYAM

3 -do-thro THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT

4 THE DEPUTY SUPERINTENDENT OF POLICE,
VETHARANIYAM SUB DIVISION,
NAGAPATTINAM DISTRICT

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

+1. C.C. to M/S.A.ARUN PRASAD Advocate SR.No.29227

ORDER
IN
CRL MP (MD) No.7716 of 2017
IN
CRL A (MD) No.330 of 2017
Date :24/08/2017

SM:CM-MSA:SAR 3:28.8.2017:3P/7C