

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Seventh day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.12144 of 2019

IN CRL A.551/2019

1 KATHAVARAYAN
2 JAYANTHI
3 MEENA

[PETITIONERS]

Vs

THE STATE OF TAMIL NADU [RESPONDENT]
REP BY DEPUTY SUPERINTENDENT OF POLICE,
ULUNDURPET SUB DIVISION,
THIRUNAVAILUR POLICE STATION,
ULUNDURPET TALUK,
VILLUPURAM DISTRICT
(CR.NO.433/2014)

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.551/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence of 1 year RI., imposed on appellants / A-1 to A-3 u/s.3(1)(r)(s) of SC/ST (PA) Act in Spl. Ses Case No.261/2015 dated 30.07.2019 on the file of the Splcial Sessions Court at Villupuram pending disposal of the above Crl.A.No.551/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.551/2019 on the file of the High Court and upon hearing the arguments of P.VASANTH, Advocate for the petitioner and of MR.G.RAMAR Government Advocate on behalf of the Respondent the court made the following order:-

This petition is filed seeking to suspend the sentence imposed on the petitioners, by judgment and order dated 30.07.2019 passed in Special S.C.No.261 of 2015 on the file of the Special Sessions Court for the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity "the SC/ST Act") cases, Villupuram.

2. The petitioners, who were accused 1 to 3 in Special S.C.No.261 of 2015 before the the Special Sessions Court for the SC/ST Act cases, Villupuram, were convicted under Section 147 IPC and Section 3(1)(r)(s) of the SC/ST Act and the accused 2 and 3 were convicted under Section 323 IPC and were sentenced to undergo

various terms of imprisonment, the maximum being one year rigorous imprisonment.

3. Challenging the same, the petitioners have filed the above appeal and suspension of sentence and bail.

4. The learned counsel for the petitioners submitted that the petitioners have paid the fine amount and the Trial Court has suspended the substantive sentence of imprisonment under Section 389 (3) Cr.P.C. till 28.08.2019.

5. The petitioners have raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence and bail.

6. Accordingly, the relief of suspension of sentence and bail is granted on the following conditions:

(i) The petitioners shall surrender before the Trial Court within one week from the date of receipt of a copy of this order and on such surrender the petitioners are ordered to be released on bail on they executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only), each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of Special Sessions Court for the SC/ST Act cases, Villupuram.

(ii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Special Sessions Court for the SC/ST Act cases, Villupuram, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) The petitioners shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if they are not able to appear before the Trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of their absence, as directed by the Trial Court.

-sd/-

27/08/2019

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 SPSECIAL SESSIONS COURT
FOR SC/ST ACT CASES, VILLUPURAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE STATE OF TAMIL NADU
REP BY DEPUTY SUPERINTENDENT OF POLICE,
ULUNDURPET SUB DIVISION,
THIRUNAVAILUR POLICE STATION,
ULUNDURPET TALUK,
VILLUPURAM DISTRICT

+1 C.C. to P.VASANTH Advocate on payment of necessary charges
SR.NO. 17945

Order

in
CRL MP.12144/2019

in
CRL A.551/2019

Date :27/08/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 28/08/2019

सत्यमेव जयते

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