

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Third day of October Two Thousand Nineteen
PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.14200 of 2019

IN CRL A.669/2019

LAKSHMANAN

[PETITIONER]

Vs

THE STATE REPRESENTED BY [RESPONDENT]
THE DEPUTY SUPERINTENDENT OF POLICE,
VILLUPURAM SUB DIVISION, PERIYATHACHUR
POLICE STATION, VILLUPURAM DISTRICT,
(CRIME NO. 122/2009)

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.669 of 2019 on the file of the High Court, the High Court will be pleased to suspend the sentences of imprisonment alone imposed by the Learned Sessions Judge/Special Court for Trial of Scheduled Caste and Scheduled Tribes Cases at Villupuram, Villupuram District on 22/08/2019 made in Spl S.C. No. 135/2015 on the petitioner/Appellant/Accused and enlarge him on bail pending disposal of the above Crl.A.No.669 of 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.669 of 2019 on the file of the High Court and upon hearing the arguments of MR.A.UDHAYACHANDIRAN, Advocate for the petitioner and of MR. M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

- 1.This Criminal Miscellaneous Petition has been filed by the Petitioner/Accused, seeking suspension of sentence of imprisonment, imposed by the judgment, dated, 22.08.2019, made in Spl.S.C.No.135/2015, by the Sessions Judge/Special Court for Trial of Scheduled Caste and Scheduled Tribe Cases at Villupuram, Villupuram District, pending disposal of the Criminal Appeal.

- 2.This court heard the learned counsel on either side and also perused the materials placed on record.
- 3.In and by the impugned judgement, the Petitioner/ accused was convicted and sentenced for the offence under Section 506(ii) of IPC to pay a fine of Rs.1,000/- in default to undergo three months of simple imprisonment, convicted and sentenced for the offence under Section 3(i)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities)Act 1989 to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo three months of simple imprisonment and convicted and sentenced for the offence under Section 3(i)(xi) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities)Act 1989, to undergo two years rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo three months of simple imprisonment and all the sentences were ordered to run concurrently.
- 4.According to the learned counsel for the Petitioner/ accused, there are arguable points available in the Criminal Appeal, which is not likely to be taken for final hearing in the near future and the Petitioner/ accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the Petitioner/Accused may be suspended. He would submit that the total fine amount has been paid and that originally the suspension was granted till 23.09.2019 and thereafter, the trial Court had suspended the sentence till 04.10.2019.
- 5.The learned Additional Public Prosecutor has raised objections for suspending the sentence.
- 6.Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to implead the victim /de facto complainant as necessary party in this case and the Petitioner/ accused is ordered to be enlarged on bail, on the following conditions:-
- i. The Petitioner/ accused shall execute 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 Trial of Scheduled Caste and Scheduled Tribe Cases at Villupuram, Villupuram District.
 - ii.The Petitioner/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

The Petitioner/Accused shall appear before the Trial Court at 10.30 a.m. on the first working day of every month, until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.PC. and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

-sd/-

03/10/2019

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 SESSIONS JUDGE/SPECIAL
COURT FOR TRIAL OF SCHEDULED CASES AND
SCHEDULED TRIBE CASES AT VILLUPURAM,
VILLUPURAM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
VILLUPURAM SUB DIVISION, PERIYATHACHUR
POLICE STATION, VILLUPURAM DISTRICT.

C.C. to A.UDHAYACHANDIRAN Advocate on payment of necessary charges

Order

in

CRL MP.14200/2019

in

CRL A.669/2019

Date :03/10/2019

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RVR 03/10/2019