

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirtieth day of October Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.14929 of 2019

IN CRL.A.NO.717 OF 2019

1 ANANDAN [PETITIONERS]
2 RADHAKRISHNAN
3 SANKAR
4 MURUGAN
5 MANIKANDAN
6 BAKKIYARAJ

Vs

1. STATE REP.BY [RESPONDENT]
DEPUTY SUPERINTENDENT OF POLICE,
ULUNDURPET SUB DIVISION,
VILLUPURAM DISTRICT.
CR.NO.269/2015.

2. BABU

[R2 IS IMPLEADED AS PER ORDER IN CRL.MP.NO.15129/2019 IN
CRL.A.NO.717/2019 DATED 22/10/2019.]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.717/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence dated 20.09.2019 passed in Special SC.No.9 of 2017 on the file of the learned Special Sessions Judge under SC and ST Act, Villupuram and enlarge the 1st petitioner on bail pending disposal of the above criminal appeal.[CRL.MP.NO.14929/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.717/2019 on the file of the High Court and upon hearing the arguments of M/S.A.SARAVANAN Advocate for the petitioner and of MR.M.MOHAMED RIYAZ,ADDL.PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

1.This Criminal Miscellaneous Petition has been filed by the petitioners/A1 to A6, seeking suspension of sentence of imprisonment, imposed by the judgment, dated, 20.09.2019, made in S.C.No.9 of 2017, by the learned Special Sessions Judge under SC & ST Act, Villupuram and to enlarge the first petitioner/A1 on bail

pending disposal of the above 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 judgment, the appellants 1 to 6 were convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	Under Section 147 of IPC	Fine of Rs.1,000/- in default to undergo three months simple imprisonment (A1 - A6)
2.	Under Section 3(1)(r) (s) SC/ST (POA) Amendment Act, 2015	One year rigorous imprisonment and a fine of Rs.1,000/- in default to undergo three months simple imprisonment (A1)
3.	Under Section 352 of IPC	Fine of Rs.500/- in fault to undergo one month simple imprisonment (A1)
4.	Under Section 427 of IPC	Fine of Rs.1,000/- in fault to undergo three months simple imprisonment (A2 - A6)

Aggrieved against the same, the appellants have preferred this appeal.

4. The learned counsel appearing for the petitioner/A1 would submit that the Trial Court, while convicting all the appellants had sentenced the first petitioner alone to undergo one year rigorous imprisonment and to pay a fine of Rs.2,500/- and in respect of the appellants 2 to 6, they have been sentenced to pay a fine alone and that the fine amount had been paid and the Trial Court had granted suspension of sentence in respect of the first appellant till 20.10.2019. He would further submit that 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/A1 have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence of imprisonment imposed against the petitioner/A1 may be suspended.

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/ A1 is ordered to be enlarged on bail, on the following conditions:-

- The petitioner/A1 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 Judicial Magistrate, Ulundurpet.

ii. The petitioner/A1 shall report before the Trial Court, on the first working day of every English Calendar month at 10.30 a.m., until further orders.

-sd/-

30/10/2019

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 JUDICIAL MAGISTRATE,
ULUNDURPET

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM[FOR INFORMATION]

3 THE SPECIAL SESSIONS JUDGE
UNDER SC & ST ACT, VILLUPURAM

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
ULUNDURPET SUB DIVISION,
VILLUPURAM DISTRICT.

+1 C.C. to M/S.A.SARAVANAN Advocate on payment of necessary charges SR.NO. 22420

सत्यमेव जयते

Order

in
CRL MP.14929/2019

IN CRL.A.NO.717 OF 2019

Date :30/10/2019

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format
RD 04/11/2019