

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighteenth day of November Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION NO.16696 OF 2019

IN CRL.A.NO.782 OF 2019

1 KALIYAPPAN [APPELLANTS / ACCUSED]
2 GAJENDRAN @ DEIVASIGAMANI
3 MOHAN
4 DHANAPAL
5 VENKATRAMA NAIDU

Vs

STATE REP.BY [RESPONDENT]
THE DEPUTY SUPERINTENDENT OF POLICE,
VILLUPURAM SUB-DIVISION,
VILLUPURAM.
(PERIYATHATCHUR P.S.CR.NO.244/2015).

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.782 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence in Special S.C.No.138 of 2016 dated 17.10.2019 passed by the learned Sessions Judge, Special court for Exclusive trial of cases registered under SC/ST Act, villupuram, release the petitioners on bail pending disposal of the above CRL.A.NO.782 OF 2019 [IN CRL.MP.NO.16696 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.782 OF 2019 on the file of the High Court and upon hearing the arguments of M/S.K.SELVAKUMARASWAMI, 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 Petitioners/A5,A6,A7,A8 and A9, seeking suspension of sentence of imprisonment, imposed by the judgment, dated, 17.10.2019, made in Special S.C.No.138/2016, by the learned Sessions Judge, Special Court for Exclusive Trial of cases registered under SC/ST Act, Villupuram, and enlarge him on bail pending disposal of the Criminal Appeal.

2.This court heard the learned counsel for the petitioners and also perused the materials placed on record.

3. In and by the impugned judgement, the Petitioners/accused were convicted and sentenced for the offences under Section 147 of IPC and have been imposed a fine of Rs.1,000/-, in default, to undergo simple imprisonment for 3 months and were convicted under Section 3(1)(r) of SC/ST Act (prevention of Atrocities) Amendment Act, 2015 and have been sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for 3 months.
4. The learned counsel for the Petitioners/accused would submit that the trial Court did not take into consideration the grave delay in lodging the complaint. He would further submit that it is a false and fabricated case registered due to personal animosity. There are totally 9 accused have been acquitted and on the same set of facts, the petitioners have been wrongly implicated in this case. 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 Petitioners/ accused has got a fair chance of succeeding in the Criminal Appeal and that the Trial Court has suspend the sentence imposed on the petitioner till today (18.11.2019) and fine amount has been paid and hence, the substantive sentence imposed against the Petitioners/Accused 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/ accused is ordered to be enlarged on bail, on the following conditions:-
- i. The Petitioners/Accused shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive trial of cases registered under SC/ST Act, Villupuram.

ii.The Petitioners/Accused 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/-
18/11/2019

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 EXCLUSIVE TRIAL OF CASES
REGISTERED UNDER SC/ST ACT, VILLUPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
VILLUPURAM SUB-DIVISION, VILLUPURAM.
(PERIYATHATCHUR P.S.CR.NO.244/2015).

C.C. to M/S.K.SELVAKUMARASWAMI Advocate on payment of
necessary charges

Order

in
CRL MP.16696/2019

in
CRL.A.NO.782/2019

Date :18/11/2019

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

MK:18/11/2019