

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.16776 OF 2019
IN CRL.A.NO.784 OF 2019

VETRIVEL

[PETITIONER / APPELLANT]

Vs

STATE REP.BY

[RESPONDENT]

DEPUTY SUPERINTENDENT OF POLICE,
OMALUR SUB DIVISION,
SALEM DISTRICT.
CR.NO.785/2014.
OMALUR POLICE STATION.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.784 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence passed in Judgement in S.C.No.298 of 2016 on the file of the Principal Sessions Judge, Salem dated 31.10.2019 and enlarge the petitioner herein on bail pending disposal of the above CRL.A.NO.784 OF 2019 [IN CRL.MP.NO.16776 OF 2019]

Order : These petitions coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.784 OF 2019 on the file of the High Court and upon hearing the arguments of M/S.R.THAMARAISELVAN 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, 31.10.2019, made in S.C.No.298/2016, by the learned Principal Sessions Judge, Dharmapuri 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 Petitioner/accused was convicted and sentenced for the offences under Section 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act as amended for the ordinance, 2014 and sentenced to Rigorous imprisonment for 3 years and to pay a fine of Rs.1,000/-, in default, undergo rigorous imprisonment for 9 months and for the offences under Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and sentenced to rigorous imprisonment for 3 years and to pay a fine of Rs.1,000/- in default shall undergo rigorous imprisonment for 9 months and for the offences under Section 323 IPC r/w 3(1)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and sentenced to Rigorous imprisonment for one year and to pay a fine of Rs.1,000/-, in default, to undergo rigorous imprisonment for 3 months.
4. The learned counsel for the Petitioner/accused would submit that the trial Court did not take into consideration the delay of four days in preferring the complaint and that the complaint is a motivated one due to enmity and that the provisions of the SC/ST Act, have been wrongly invoked. 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/ accused has got a fair chance of succeeding in the Criminal Appeal and that the Trial Court has suspended the sentence imposed on the petitioner till today (30.11.2019) and fine amount has been paid and hence, would pray the substantive sentence imposed against the Petitioner/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 Petitioner/Accused shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Salem.

ii.The Petitioner/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 PRINCIPAL SESSIONS JUDGE
SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
OMALUR SUB DIVISION,
SALEM DISTRICT,
OMALUR POLICE STATION.

+1C.C. to M/S.R.THAMARAISELVAN Advocate on payment of
necessary charges SR NO.23691

Order

in
CRL MP.16776/2019

in
CRL A.784/2019

Date :18/11/2019

WEB COPY

From 7.2.2001 the Registry is issuing certified
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MK:18/11/2019