



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of March Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP (MD) No.2900 of 2019
IN
CRL A (MD) No.128 of 2019

VELMURUGAN

... APPELLANT/ SOLE ACCUSED

Vs

1 STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
MANAMADURAI

2 THE INSPECTOR OF POLICE
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.89/2005)

3 INDIRA

... RESPONDENTS/ RESPONDENTS

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the appellant/accused Spl.S.C.No.342/2009 on the file of the Special Judge for SC/ST Act cases, Sivagangai and enlarge the petitioner on bail till the disposal of the above Crl.A

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.P.AJU TAGORE, Advocate for the petitioner and of Mr.K.SUYAMBULINGA BHARATHI, Government Advocate(Crl.Side) on behalf of the Respondents 1 & 2, While admitting the CRL.A., the court made the following order:-

The petitioner was convicted by the Judgment dated 03.12.2018 by the Special Judge for SC/SC Act cases, Sivagangai in Spl.S.C.No.342 of 2009 in the following manner.

Charges Proved under Sections	Punishment (Imprisonment and Fine)
294 (b) IPC	to pay a fine of Rs.1000/- in default to undergo Rigorous Imprisonment for one month;



u/s 323 (2 counts) IPC	to pay a fine of Rs.1000/- in default to undergo Rigorous Imprisonment for one month;
u/s 3 (1) (x) of SC/ST (P.A) Act, 1989.	Rigorous Imprisonment for 1 years and to pay a fine of Rs.1000/- in default to undergo Rigorous Imprisonment for one month;
Total Fine	Rs.4,000/-

The Sentence of imprisonment should run concurrently awarded to the appellant/sole accused.

2.The learned counsel appearing for the petitioner would submit that the petitioner is on bail and he has complied the conditions regularly. Since he is a breadwinner of the family, he prayed for suspension of sentence.

3.Heard the submissions of the learned Government Advocate (Criminal Side).

4.Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the period of incarceration, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

5.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner 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 learned District Judge for CBI Cases, II Additional District Court, Madurai, and on further conditions.

(i) that the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the appeal.

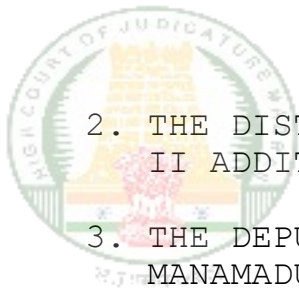
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28/03/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE SPECIAL JUDGE FOR SC/ST ACT CASES,
<https://hcservices.ecourts.gov.in/hcservices/>
SIVAGANGAI.



2. THE DISTRICT JUDGE FOR CBI CASES,
II ADDITIONAL DISTRICT COURT, MADURAI.

3. THE DEPUTY SUPERINTENDENT OF POLICE,
MANAMADURAI

4. THE INSPECTOR OF POLICE
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to Mr.S.SABBANI KARPURA JOTHI, Advocate, Sr No.5744

ORDER
IN
CRL MP (MD) No.2900 of 2019
IN
CRL A (MD) No.128 of 2019
Date :28/03/2019

MS/VR/SAR-1/29.03.2019/3P.7C