



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL MP(MD) No.4336 of 2019  
IN  
CRL A(MD) No.206 of 2019

1 SANKAR @ PANDI SANKAR  
2 SOUNDARAPANDI

... PETITIONERS/ PETITIONERS

Vs

1 STATE REP. BY  
THE DEPUTY SUPERINTENDENT OF POLICE,  
MANAMADURAI SUB DIVISION,  
MANAMADURAI, THIRUPACHETHI POLICE STATION,  
SIVAGANGAI DISTRICT.  
CRIME NO.102 OF 2015

2 K.NALLAMANI

3 PANDIYAMMAL @ RAMAYEE

... 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 of imprisonment imposed by the Sessions Judge, Special Court Trial of cases under SC/ST (POA) Act, Sivagangai in Spl.S.C.No.21 of 2016 by the judgment dated 01.04.2019 and enlarge the petitioner/accused on bail, pending disposal of the above said criminal appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.K.ANBARASAN, Advocate for the petitioners and of MR.K.K.RAMAKRISHNAN, Additional Public Prosecutor for R1, While admitting the CRL A., the court made the following order:-



The present appeal is arising out of the conviction and sentence imposed against these petitioners in Spl.S.C.No.21 of 2016 by the learned Sessions Judge, Special Court Trial of Cases under SC/ST (POA) Act, Sivagangai, wherein these petitioners were found guilty for the offences punishable under Sections 294(b), 506(ii) IPC and 3(1)(x) of SC/ST (POA) Act, 1989 and have been convicted and sentenced as detailed below :

| Penal Provision under which convicted    | Sentence                                                                                                                    |
|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| Section 294(b) IPC                       | to pay a fine of Rs.1,000/- in default to undergo rigorous imprisonment for one month                                       |
| Section 506(ii) IPC                      | to pay a fine of Rs.1,000/- in default to undergo rigorous imprisonment for one month                                       |
| Section 3(1)(x) of SC/ST (POA) Act, 1989 | rigorous imprisonment for one year and to pay a fine of Rs.1000/- in default to undergo rigorous imprisonment for one month |

2.When the matter was taken up for hearing on 29.04.2019, this Court directed the petitioners to take notice to the defacto complainant as required under Section 15(A) of SC/ST (POA) Act, 1989. The petitioners had also taken notice on 30.04.2019 as directed by this Court and also filed a proof of service to that effect on 15.05.2019.

3.The learned counsel appearing for the petitioners would submit that occurrence was taken place on 08.07.2015 and the complaint was lodged only on 09.07.2015 and the person, who has issued Community Certificate has not been examined by the trial Court.

4.Apart from these grounds, these petitioners have also raised certain other grounds in the appeal. 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 petitioners are entitled for the relief of suspension of sentence.

5.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are directed to be enlarged on bail, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), each with two sureties for a like sum to the satisfaction of the learned Sessions Judge, Special Court Trial of Cases under SC/ST (POA) Act,



Sivagangai, and on further condition that the petitioners shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, until further orders.

sd/-

15/05/2019

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

TO

- 1 THE SESSIONS JUDGE,  
SPECIAL COURT TRIAL OF CASES UNDER  
SC/ST (POA) ACT, SIVAGANGAI.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,  
MANAMADURAI SUB DIVISION,  
MANAMADURAI. THIRUPACHETHI POLICE STATION,  
SIVAGANGAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP (MD) No.4336 of 2019

IN

CRL A (MD) No.206 of 2019

Date :15/05/2019

JM/JC/SAR 3/23.05.2019/3P/4C