

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirty First day of January Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.631 of 2020

IN CRL.A.No.29 OF 2020

VIJAYALAKSHMI

[PETITIONER]

Vs

THE STATE REP BY

[RESPONDENT]

THE DEPUTY SUPERINTENDENT OF POLICE,

NAMAKKAL SUB DIVISION,

NAMAKKAL DISTRICT.

REF CR.NO.811/2015.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.No.29 OF 2020 on the file of the High Court, the High Court will be pleased to suspend the sentence of 5 years Rigorous Imprisonment for offences U/S.3(1)(x) of SC and ST (Prevention of Atrocities) Act passed by the learned Special Court for SC and ST (POA) Act, Namakkal in SC No.10/2018 enlarge her on bail dated 10.01.2020 pending disposal of the Crl.A.No.29/2020.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.No.29 OF 2020 on the file of the High Court and upon hearing the arguments of M/S. R.VIVEKANANTHAN, Advocate for the petitioner and of MR. K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioner/appellant faced trial in S.C.No.10 of 2018 on the file of learned Special Court for SC & ST (POA) Act Cases, Namakkal. Under judgment dated 10.01.2020, the trial Court found the petitioner/appellant guilty under Section 3 (1) (x) of the Scheduled Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989, and sentenced her to undergo Rigorous imprisonment for a period of five years and to pay a fine of Rs.1,000/-, in default, to undergo Rigorous Imprisonment for a further period of six months. Aggrieved over the same, the petitioner/appellant has filed this Criminal Appeal along with the petition seeking suspension of sentence.

2. It is the submission of the learned counsel for the petitioner / appellant that the amount of fine had already been paid, as directed by the trial Court in its judgment and he has also produced a receipt before this Court to that effect. He further submitted that there are several infirmities and inconsistencies in the prosecution case. He also submitted that there are arguable

points available in this Criminal Appeal, which is not likely to be taken up for final hearing in the near future and hence, the substantive sentence imposed against the petitioner may be suspended.

3. Heard learned Additional Public Prosecutor on the submissions made by the learned counsel for petitioner.

4. Considering the facts and circumstances of the case and taking into account the submissions made by the learned counsel on either side, this Court is of the view that the petitioner herein can be granted the relief of suspension of sentence. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner herein is directed to be enlarged on bail on the following conditions:-

- a) The Petitioner/Accused is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Namakkal;
- b) The Petitioner/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the learned Judge may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities;
- c) The petitioner / accused shall appear before the trial court at 10.30 a.m. on the first working day of every English Calender Month, until the disposal of this criminal appeal and if she is not able to appear before the Trial Court on any day, due to unavoidable circumstances, she shall make arrangements to file an application under Section 317 of Cr.PC. and shall appear before the Trial Court on any other day in lieu of her absence, as directed by the Trial Court. Such an application shall not be entertained often.

-sd/-

31/01/2020

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,
NAMAKKAL

<https://hcservices.ecourts.gov.in/hcservices/>

2 THE SUPERINTENDENT,
CENTRALWOMEN PRISON, COIMBATORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
NAMAKKAL SUB DIVISION,
NAMAKKAL DISTRICT.

C.C. to M/S. R.VIVEKANANTHAN, Advocate on payment of necessary
charges Sr.1935

Order

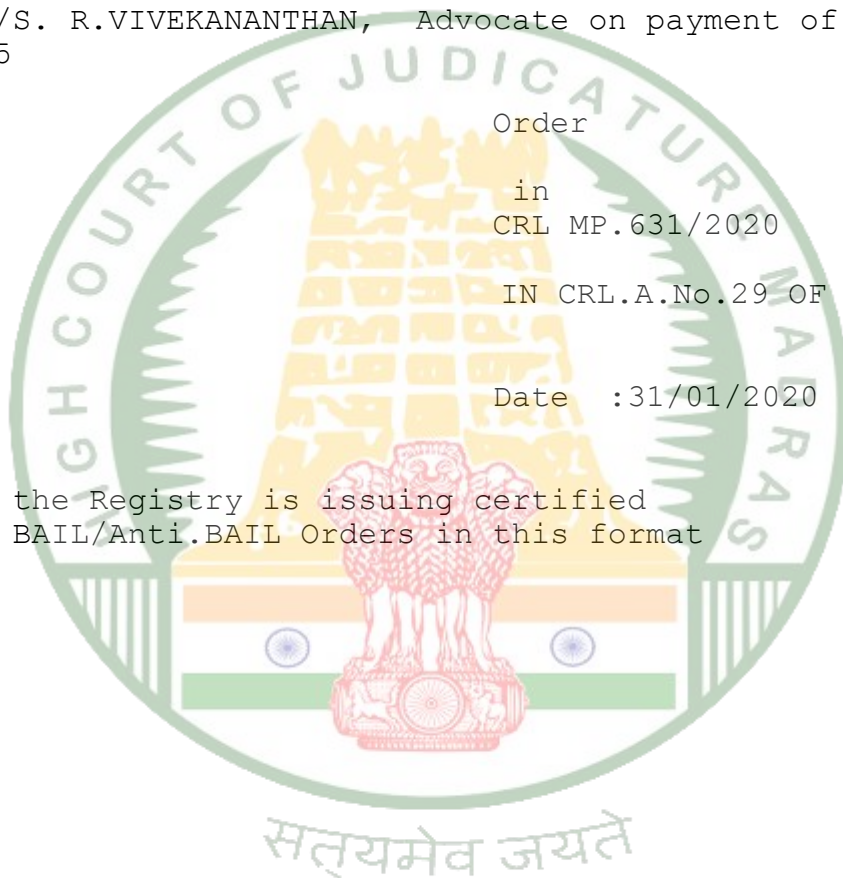
in
CRL MP.631/2020

IN CRL.A.No.29 OF 2020

Date :31/01/2020

From 7.2.2001 the Registry is issuing certified
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RVR 04/02/2020



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