

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.790 of 2020

IN CRL.A.No.39 of 2020

1 MATHIYALAGAN [PETITIONER]
2 MURUGAN
3 RAMARAJAN
4 THAMILARASAN

Vs

1 THE DEPUTY SUPRINTENDENT OF POLICE, [RESPONDENT]
GINGEE DIVISION,
VILUPURAM DISTRICT.

2 THE INSPECTOR OF POLICE
NALLAN PILLAI POLICE STATION,
VILUPURAM DISTRICT.
(CRIME NO.99/2017)

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence imposed on the petitioners made in Special S.C.No.66/2017 dated 23-10-2019 by the Principle District and Sessions Judge, Villupuram (Special Judge for SC and ST Act Cases) and to release the petitioner.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.C.PRABAKARAN, Advocate for the petitioner, and of MR. K.PRABAKAR, Additional Public Prosecutor, on behalf of the Respondent, the court made the following order:-

The appellants faced trial in S.C.No.66 of 2017, on the file of learned Principal District and Sessions Judge, Villupuram. Under judgment dated 23.10.2019, the trial Court convicted and sentenced the appellants/ accused of the offences as tabulated hereunder:-

Appellants	Convicted of the Offence	Sentenced
1 st appellant	u/s.341 IPC u/s.324 IPC u/s.3(1)(r)(s) SC/ST (POA) Act	to pay a fine of Rs.500/-, in default to undergo simple imprisonment for 1 month. to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for 3 months. 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. To set off the period already undergone.
2 nd appellant	u/s.341 IPC u/s.324 IPC u/s.3(1)(r)(s) SC/ST (POA) Act	to pay a fine of Rs.500/-, in default to undergo simple imprisonment for 1 month. to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for 3 months. 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. To set off the period already undergone.
3 rd appellant	u/s.341 IPC u/s.3(1)(r)(s) SC/ST (POA) Act	to pay a fine of Rs.500/-, in default to undergo simple imprisonment for 1 month. 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. To set off the period already undergone.
4 th appellant	u/s.341 IPC u/s.3(1)(r)(s) SC/ST (POA) Act	to pay a fine of Rs.500/-, in default to undergo simple imprisonment for 1 month. 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. To set off the period already undergone.

However, the appellants were found not guilty under section 323 IPC and acquitted them for the same. Aggrieved over the same, the appellants have filed the Criminal Appeal along with this petition seeking suspension of sentence.

2.It is submitted by the learned counsel for the appellants/accused that the amount of fine had already been paid, as directed by the trial Court in its judgment and they have also

produced receipts before this Court to that effect. The learned counsel further submitted that there are several infirmities and inconsistencies in the prosecution case and there are also contradictions in material particulars in the evidence of the prosecution. The learned counsel 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 appellants may be suspended.

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

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 appellants herein can be granted the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the appellants herein are directed to be enlarged on bail on the following conditions:-

- a) Each of the Appellants/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 District and Sessions Judge, (Special Judge for SC and ST Act) cases, Villupuram;
- b) The Appellants/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the trial Court may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities; and
- c) The Appellants/Accused shall appear before the second respondent police daily twice i.e., at 10.30am and at 5.00pm until further orders.

-sd/-

05/02/2020

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 DISTRICT AND SESSIONS JUDGE,
VILLUPURAM.

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

2 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
(SPECIAL JUDGE FOR SC AND ST ACT) CASES,
VILLUPURAM;

3 THE DEPUTY SUPRINTENDENT OF POLICE,
GINGEE DIVISION,
VILUPURAM DISTRICT.

4 THE INSPECTOR OF POLICE
NALLAN PILLAI POLICE STATION,
VILUPURAM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S. C.PRABAKARAN Advocate on payment of necessary
charges SR.NO.2336

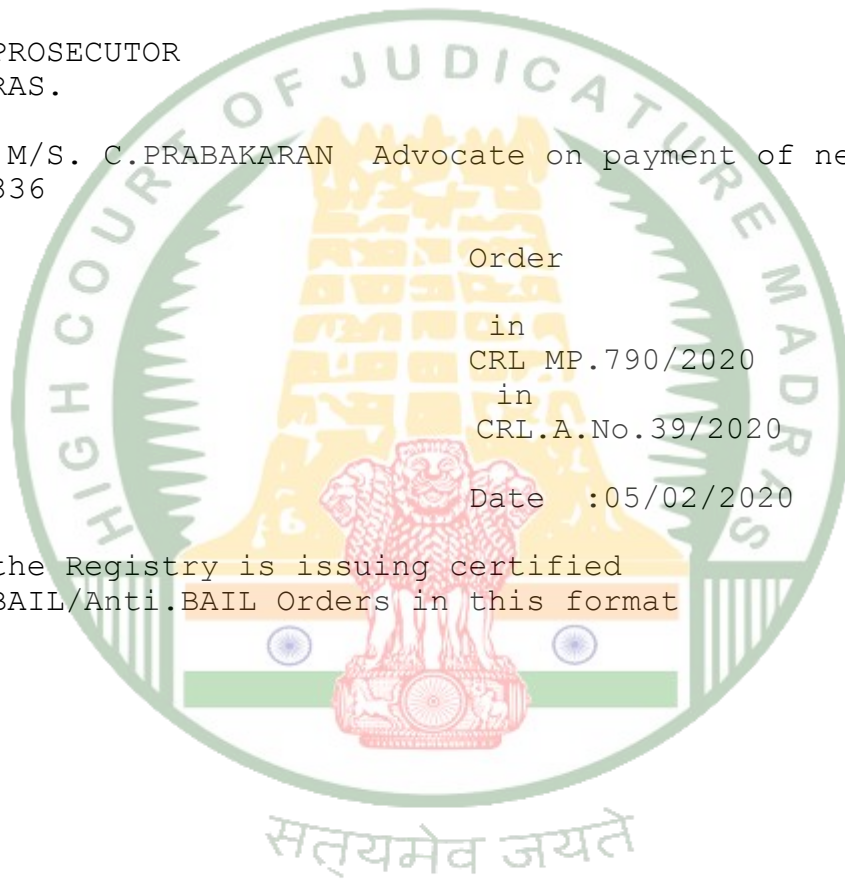
Order

in
CRL MP.790/2020
in
CRL.A.No.39/2020

Date :05/02/2020

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