

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Fifth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.1040 of 2020

IN CRL.A.NO.54 OF 2020

TAMILSELVAN

[PETITIONER]

Vs

1 STATE REP.BY ITS
DEPUTY SUPERINTENDENT OF POLICE,
TINDIVANAM SUB-DIVISION,
VILLUPURAM TALUK.

[RESPONDENT]

2 JAYANTHI

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.54/2020 on the file of the High Court, the High Court will be pleased to suspend the conviction and sentence of imprisonment and fine imposed in Special Sessions Case No.239/2015 dated 06.01.2020 on the file of Special court for Exclusive trial of cases registered under SC/ST(POA) Act, Villupuram-605 enlarge the petitioner on bail the above criminal Appeal case.[CRL.MP.NO.1040/2020]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.54/2020 on the file of the High Court and upon hearing the arguments of M/S.G.MOHAMMED ASEEF, Advocate for the petitioner and of MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR for[r-1]and of MR.SATHIACHANDRAN Advocate for[r-2] on behalf of the Respondent the court made the following order:-

The petitioner has faced trial in Spl. S.C.No.239 of 2015 on the file of learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under SC/ST (POA) Act, Villupuram. Under judgment dated 06.01.2020, the trial Court found the petitioner guilty under Sections 506(i), 325, 498 (A) IPC and Section 3 (1) (x) of the SC / ST Act and sentenced him to undergo three years Rigorous Imprisonment (R.I.) and Rs.1,000/- fine, in default, to undergo three months

Simple Imprisonment (S.I.) for the offence under Section 498 (A) IPC; to undergo seven years R.I. and Rs.1,000/- fine, in default, to undergo three months S.I. for the offence under Section 325 IPC; Rs.1,000/- fine, in default, to undergo three months S.I. for the offence under Section 506 (i) IPC; to undergo three years R.I. and Rs.1,000/- fine, in default, to undergo three months S.I. for the offence under Section 3 (1) (x) of the SC / ST Act. The petitioner / appellant herein was also directed to pay a sum of Rs.2,00,000/- to the defacto complainant / second respondent herein, as compensation. Aggrieved over the same, the petitioner/appellant has filed this Criminal Appeal along with the instant petition seeking suspension of sentence.

2. It is submitted by the learned counsel for the petitioner/accused that the fine and compensation amounts, as directed by the trial Court in its judgment, had been paid by the petitioner. He 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. 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 for the first respondent 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.

5. 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 ordered to be released on bail, on his executing 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 Sessions Judge, Special Court for Exclusive Trial of Cases registered under SC/ST (POA) Act, Villupuram;

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; and

c)The Petitioner/ Accused shall appear before the Trial Court on the first working day of every month at 10.30 a.m., until the disposal of the Appeal and if he is not able to appear before the Trial Court on any day, due to unavoidable circumstances, he 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 his absence, as directed by the Trial Court. Such an application shall not be entertained often.

-sd/-

25/02/2020

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 SESSIONS JUDGE
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
REGISTERED UNDER SC/ST (POA) ACT,
VILLUPURAM

2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
TINDIVANAM SUB-DIVISION,
VILLUPURAM TALUK.

+1 C.C. to M/S.G.MOHAMMED ASEEF Advocate on payment of
necessary charges SR.NO. 3710

सत्यमेव जयते
Order

in
CRL MP.1040/2020

WEB COPY
IN CRL.A.NO.54 OF 2020

Date :25/02/2020

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RD 26/02/2020