

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K. ILANTHIRAIYAN

Crl. MP No.4199 of 2020

in

CRL.A. No.253 of 2020

P. Sakthivel,
Son of Paramasivam,
Mettu Street,
Mohanur,
Namakkal District.

... Petitioner / Accused

Vs.

State represented by
Deputy Superintendent of Police,
Mohanur Sub Division,
Namakkal District.
Cr. No.709 of 2010.

.... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389 of Criminal Procedure code to suspend the sentence imposed by its judgment dated 06.03.2020 in S.C. No.106 of 2018 on the file of Special Court for SC & ST (POA) Act cases, Namakkal, pending disposal of the above criminal appeal.

For Petitioner : Mr.A. Tamilvannan
For Respondents : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

This criminal miscellaneous petition has been filed praying to suspend the sentence made in judgment dated 06.03.2020 in S.C. No.106 of 2018 on the file of Special Court for SC & ST (POA) Act cases, Namakkal, pending disposal of the above criminal appeal.

2. Initially, the petitioner was remanded into judicial custody for the offences under Sections 3(1) (x) of SC/ST (POA) Act, 1989, 294(b) of IPC and 325 of IPC. On completion of trial, the learned Sessions Judge, Special Court for SC & ST (POA) Act Cases, Namakkal has acquitted the petitioner from the offences 3(1) (x) of SC/ST (POA) Act, 1989, 294(b) of IPC and convicted him for the offence under 325 of IPC and the same was taken on file in S.C. No.106 of 2018.

rigorous imprisonment and a fine of Rs.1,000/- and also directed to pay a sum of Rs.25,000/- as victim compensation for the conviction under Section 325 of IPC. Aggrieved by the same, the petitioner has preferred the Criminal Appeal in Crl.A. No.253 of 2020.

4. The learned counsel for the petitioner would submit that there is a wordy quarrel between the petitioner and the defacto complainant and the motive of the alleged attack has not been proved. The complaint was lodged by the defacto complainant after a delay of 14 days from the date of incident. He would further submit that the petitioner has been suffering incarceration from 06.03.2020 (prior to Covid 19 Lockdown) onwards till date.

5. Heard Mr.A. Tamilvannan, learned counsel appearing for the appellant and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondent.

6. Having regard to the fact that there are arguable points involved in this appeal and considering the period of incarceration suffered by the petitioner, this Court is inclined to suspend the sentence imposed on the petitioner by the Trial Court, pending disposal of the Criminal Appeal.

7. Accordingly, the sentence of imprisonment imposed by the Trial Court is suspended and the petitioner is directed to be enlarged on bail on the following conditions :

a) the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison;

b) thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten thousand only) each before the concerned Magistrate on or before 11.07.2020, failing which the bail granted by this Court shall stand dismissed.

c) The sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identities.

d) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders, pending disposal of the criminal appeal.

-sd/-

26/06/2020

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 SC & ST [POA]ACT CASES,
NAMAKKAL

2 THE SUPERINTENDENT OF PRISON
CENTRL PRISON,COIMBATORE

3 THE DEPUTY SUPERINTENDENT
OF POLICE, MOHANUR SUB DIVISION,
NAMAKKAL DISTRICT,

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE STATE OF TAMILNADU REP.BY ITS,
DEPUTY SUPERINTENDENT OF POLICE,
MOHANUR SUB DIVISION,
NAMAKKAL DISTRICT.

C.C. to M/S. A.TAMILVANAN Advocate on payment of necessary
charges

Order

in

CRL MP.4199/2020

IN CRL.A.NO.253 OF 2020

Date :26/06/2020

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 09/07/2020

सत्यमेव जयते
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