

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.M.P.No.5446 of 2020

in Crl.A.No.361 of 2020

1.Kathirvelu (A1)

2.Raja (A2)

... Petitioners / Appellants

Vs.

The State

Rep by the Deputy Superintendent of Police

Tiruchengode Sub Division

Tiruchengode Police Station

Namakkal District.

Crime No.242/2015

.. Respondent/Complainant

Prayer : Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., praying to suspend the sentence of imprisonment imposed in the judgment dated 25.08.2020, made in S.C.No.93 of 2018 on the file of the learned Sessions Judge, Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Namakkal and enlarge the petitioners on bail, pending disposal of the above Criminal Revision Petition.

For Petitioners : Mr.N.Manokaran

For Respondent : Mrs.P.Kritika Kamal

Government Advocate (Crl Side)

O R D E R

This case is taken up through video conferencing.

2. The petition is filed to suspend the sentence of imprisonment imposed in the judgment dated 25.08.2020, made in S.C.No.93 of 2018 on the file of the learned Sessions Judge, Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Namakkal and enlarge the petitioners on bail, pending disposal of the above criminal appeal.

3. The petitioners, who are arrayed as accused A1 & A2 in Crime No.242 of 2015 on the file of the respondent were convicted of the offences under Sections 294(b), 324, 323 IPC., The case was committed to the learned Sessions Judge, Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Namakkal, for trial in S.C.No.93 of 2018 and sentenced as under:

S. No.	Accused Rank	Provision under which convicted	Sentence
1	A1	Section 324 IPC	One year rigorous imprisonment with fine of Rs.1,000/- in default to undergo one month simple imprisonment each
2	A1	Section 323 IPC	Six months simple imprisonment with fine of Rs.1,000/-, in default to undergo one month simple imprisonment.
3	A2	Section 324 r/w. 34 IPC	One year simple imprisonment with fine of Rs.1,000/-, in default to undergo one month simple imprisonment each.
4	A2	Section 323 r/w. 34 IPC	Six month simple imprisonment with fine of Rs.1,000/-, in default to undergo one month simple imprisonment each.

The trial Court has suspended the sentence imposed on the petitioners under Section 389(3) Cr.P.C., till 24.09.2020.

4. Aggrieved by the order of conviction imposed by the learned trial Judge, the petitioners have filed the present criminal appeal along with the instant criminal miscellaneous petitions seeking suspension of sentence.

5. Heard Mr.K.Manokaran, learned counsel for the petitioner and Mrs.P.Kritika Kamal, learned Government Advocate (Crl.Side) appearing for the respondent/State.

6. The petitioner has raised substantial grounds in this appeal, which require a detailed appraisal. Further, the present appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence and bail, pending disposal of the criminal appeal.

7. Accordingly, the relief of suspension of sentence and bail are granted to the petitioners on the following conditions:

- (i) The petitioners shall surrender before the trial Court within two weeks from today.
- (ii) On his surrender, the petitioners shall be released on bail on they executing a bond for a sum of Rs.10,000/- each (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 Sessions Judge, Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Namakkal.
- (iii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge, Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Namakkal may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- (iv) The petitioners 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 they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.

-sd/-
14/09/2020

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 SCHEDULED CASTES AND
SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT,
NAMAKKAL.

2 THE PUBLIC PROSECUTOR
MADRAS HIGH COURT, CHENNAI-600 104.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
TIRUCHENGODE SUB-DIVISION,
TIRUCHENGODE POLICE STATION,
NAMAKKAL DISTRICT.

+1C.C. to M/S. N.MANOKARAN Advocate on payment of necessary
charges SR NO.6239

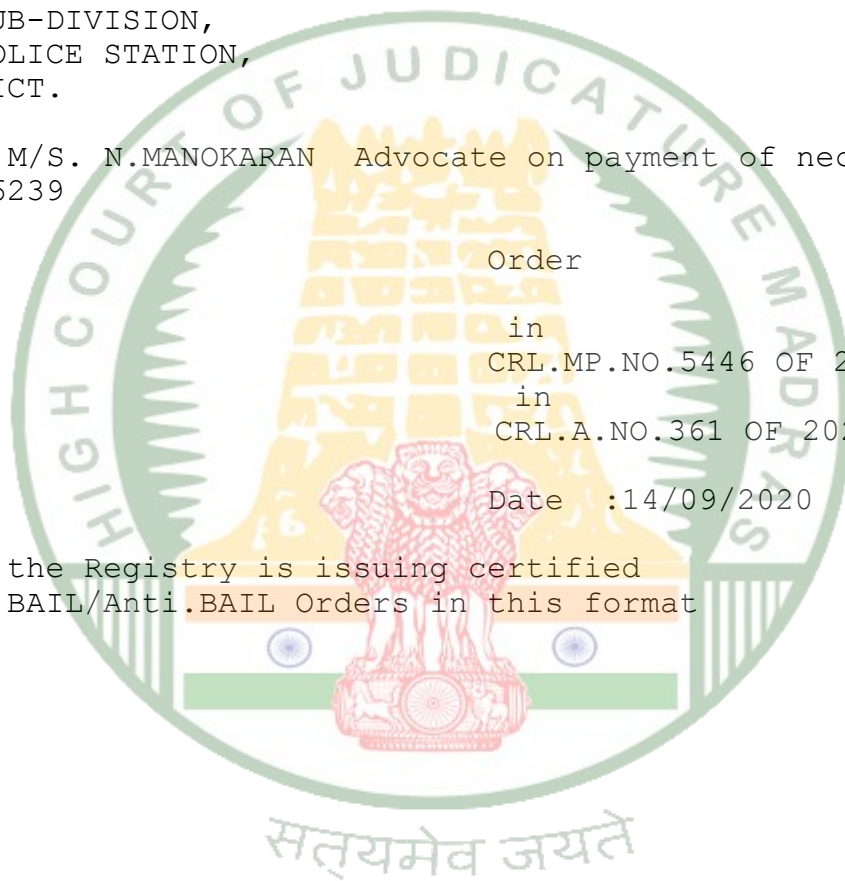
Order

in
CRL.MP.NO.5446 OF 2020
in
CRL.A.NO.361 OF 2020

Date :14/09/2020

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

MK:16/09/2020



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