

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifteenth day of September Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.5487 of 2020

IN CRL.A.NO.366 OF 2020

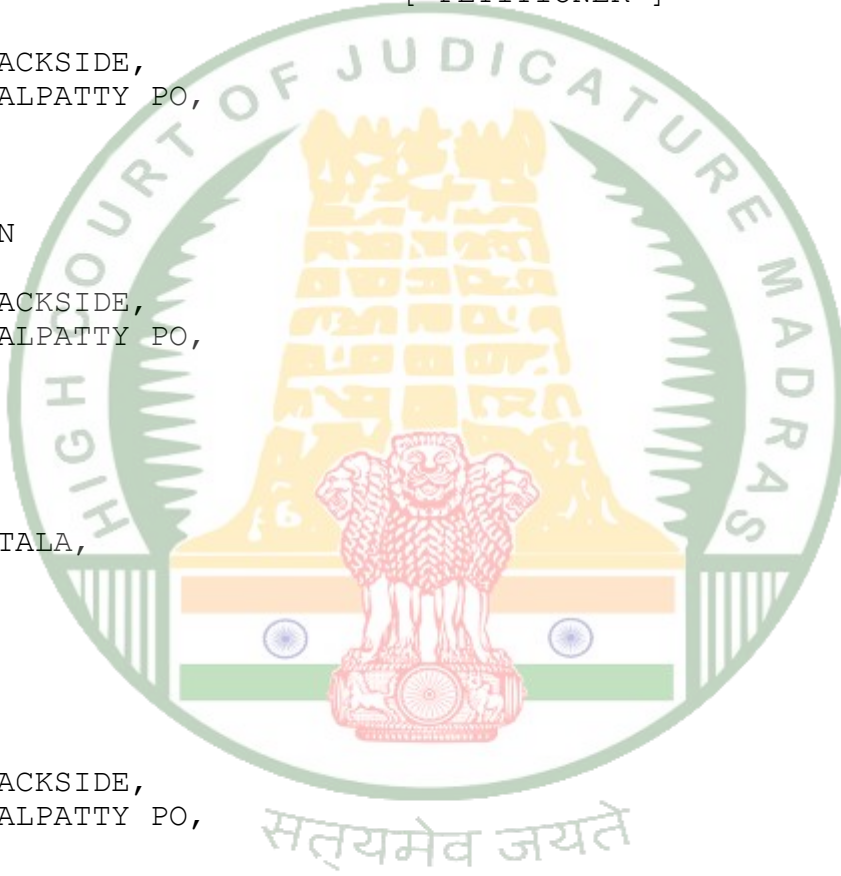
1 P.ARUNKUMAR
S/O. PALANIVEL,
MARIAMMAN KOIL BACKSIDE,
METTALA, KARKOODALPATTY PO,
RASIPURAM TK,
NAMAKKAL DT.

[PETITIONER]

2 N.MADUSOOTHANAN
S/O. NAGARAJAN,
MARIAMMAN KOIL BACKSIDE,
METTALA, KARKOODALPATTY PO,
RASIPURAM TK,
NAMAKKAL DT.

3 P.KIRANKUMAR
S/O. PERIYASAMY,
KUTTAIVEEDU, METTALA,
KARKOODALPATTI,
RASIPURAM TK,
NAMAKKAL DT.

4 K.RAGAVAN
S/O. KANNAIYAN,
MARIAMMAN KOIL BACKSIDE,
METTALA, KARKOODALPATTY PO,
RASIPURAM TK,
NAMAKKAL DT.



Vs

DEPUTY SUPERINTENDENT OF POLICE,
RASIPURAM SUB DIVISION,
NAMAKKAL DISTRICT,
(CRIME NO.59/2019).

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal A. No.366/2020 on the file of the High Court, the High Court will be pleased to suspend the sentence passed in Special S.C.NO.22 OF 2019 DATED 20.08.2020 BY THE special court for SC & ST(POA) ACT Cases, Namakkal, convicting the Appellants u/s 323 IPC r/w 3(2)(va) of SC/ST (POA) Act (2 counts)

and sentenced to undergo simple imprisonment for one year each and to pay a fine of Rs.1,000/-each, in default to undergo simple imprisonment for one month each for two counts each. (Totally fine sum of Rs.2,000/-for each accused 1 to 4)[CRL.MP.NO.5487/2020]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. A. No.366/2020 on the file of the High Court and upon hearing the arguments of M/S. C.VIDHUSAN, Advocate for the petitioner and of MRS,P.KRITIKA KAMAL Government Advocate[Crl.Side] on behalf of the Respondent, the court made the following order:-

This case is taken up through video conferencing.

2. This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioners by judgment and order dated 20.08.2020 passed in S.C.No.22 of 2019 on the file of the Special Court for the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Cases, Namakkal and to enlarge the petitioners on bail till the disposal of the appeal.

3. The petitioners, who were accused in S.C.No.22 of 2019 before the Special Court for the SC/ST Act Cases, Namakkal, were convicted of the offence under Section 323 IPC r/w 3(2)(va) of the SC/ST Act (2 counts), and sentenced to undergo one year simple imprisonment and to pay a fine of Rs.1,000/-, in default to undergo one month simple imprisonment (2 counts), each. The trial Court has suspended the sentence of imprisonment under Section 389(3) Cr.P.C. till 21.09.2020.

4. Challenging the above conviction and sentence, the petitioners have filed Crl.A.No.366 of 2020 along with the instant miscellaneous petition seeking suspension of sentence and bail.

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

6. The petitioners have raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. As stated supra, the trial Court has suspended the sentence of imprisonment imposed on the petitioners till 21.09.2020. 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.

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

- (i) The petitioners shall surrender before the Special Court for the SC/ST Act Cases, Namakkal, within a period of two weeks from the date of receipt of a copy of this order;
- (ii) On such surrender, the petitioners shall be released on bail on they executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Special Court for the SC/ST Act Cases, Namakkal;
- (iii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court 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/-
15/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

WEB COPY

TO

1 THE SESSIONS JUDGE
SPECIAL COURT FOR THE SC/ST ACT CASES,
NAMAKKAL

2 DEPUTY SUPERINTENDENT OF POL
ICE, RASIPURAM SUB DIVISION, NAMAKKAL
DISTRICT, (CRIME NO.59/2019).

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

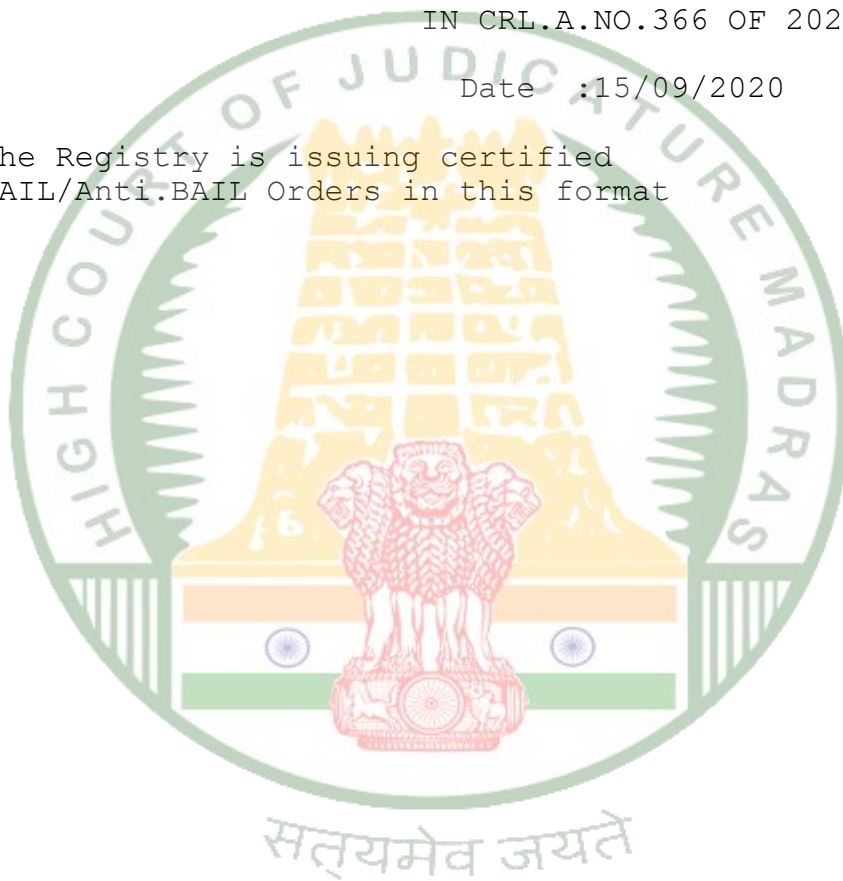
Order

in
CRL MP.5487/2020

IN CRL.A.NO.366 OF 2020

Date :15/09/2020

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format
RD 16/09/2020



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