

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Third day of September Two Thousand Twenty
PRESENT

The Hon`ble Mr Justice P. N. PRAKASH
CRIMINAL MISCELLANEOUS PETITION No.5651 of 2020

in CRL.A.No.374 OF 2020

PERIYASAMY

[PETITIONER]

Vs

THE STATE BY

[RESPONDENT]

INSPECTOR OF POLICE,
DEPUTY SUPERINTENDENT OF POLICE,
RASIPURAM SUB-DIVISION, NAMAKKAL DISTRICT.
CR.NO.942/2012.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.374 of 2020 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner by the judgment dated 26.08.2020 passed in S.C.No.104/2014 on the file of the Special court for S.C and ST(POA) Act cases, Namakkal convicting the appellant and pending disposal of the above Crl.A.No.374 of 2020.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.374 of 2020 on the file of the High Court and upon hearing the arguments of M/S.C.VASUDEVAN, Advocate for the petitioner and of MR. KRITIKA KAMAL.P, Govt. 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 petitioner by the judgment dated 26.08.2020 passed in S.C.No.104 of 2014 on the file of the Special Court for SC & ST (PoA) Act cases, Namakkal, convicting the appellant and sentencing him to undergo one year rigorous imprisonment and to pay a fine of Rs.1000/- in default to undergo one month simple imprisonment under Section 324 IPC, pending disposal of the criminal appeal.

3. The petitioner was convicted and sentenced by the Special Court for SC & ST (POA) Act cases, Namakkal, in S.C.No.104/2014 on 26.08.2020 as under :-

Provision under which convicted	Sentence
Section 324 IPC	One year rigorous imprisonment and fine of Rs.1,000/-, in default to undergo one month simple imprisonment.

4. Challenging the conviction and sentence, the petitioner has preferred the present appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.

5. Heard Mr.I.C.Vasudevan, learned counsel for the petitioner and Mrs.P.Kritika Kamal, learned Government Advocate (Crl. Side) for the respondent.

6. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. The Trial Court has suspended the sentence of imprisonment imposed on the petitioner under Section 389 (3) Cr.P.C. till 25.09.2020. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

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

- (i) The petitioner shall surrender before the Sessions Judge, Special Court for SC & ST (PoA) Act, Namakkal, within one week from the date of receipt of a copy of this order;
- (ii) After such surrender, the petitioner shall be released on bail on he 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 Sessions Judge, Special Court for SC & ST (PoA) Act, Namakkal;
- (iii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge, Special Court for SC & ST (PoA) Act, Namakkal may obtain a copy of their Aadhar card or bank pass book to ensure their identity; and
- (iv) The petitioner shall appear before the trial Court on the first working day of every month until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he 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 his absence, as directed by the trial Court.

8. The Trial Court shall disburse the compensation of Rs.25,000/- to PW1.

-sd/-

23/09/2020

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 SC & ST (POA) ACT, NAMAKKAL.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
DEPUTY SUPERINTENDENT OF POLICE,
RASIPURAM SUB-DIVISION,
NAMAKKAL DISTRICT.

COPY TO:

THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

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

सत्यमेव जयते
Order

in
CRL MP.5651/2020

in CRL.A.No.374 OF 2020

Date :23/09/2020

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

RVR 29/09/2020