

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH

and

The Hon'ble Mr. Justice D.KRISHNAKUMAR

CRL MP No. 7092 of 2020

in

Cr1.A No.461 of 2020

Nawab John Petitioner

vs

State rep. by
The Inspector of Police,
Villupuram West Police Station,
Villupuram. Respondent

Petition filed under Section 389 of Cr.PC to suspend the sentence passed by the Special Court for S.C./S.T. Act Cases, Villupuram in Special S.C.No.137 of 2016 dated 13.07.2020 pending disposal of the appeal.

For Petitioner .. Mr.Babu

For Respondent ... Mr.K.Prabhakar,
Addl. Public Prosecutor

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner has been arrayed as A1 in Special S.C.No.137 of 2016 on the file of the Special Court for S.C./S.T. Act Cases, Villupuram. He was accordingly convicted for the offence punishable under Sections 506(i) IPC and Sections 3(1)(r) and 3(1)(s) of S.C./S.T. (POA) Amendment Act by judgment dated 13.07.2020 and for the offence punishable under Section 506(i) IPC, he was sentenced to undergo two years rigorous imprisonment and for the offence punishable under Section 3(1)(r) of S.C./S.T. (POA) Amendment Act, he was sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment and for the offence punishable under Section 3(1)(s) of S.C./S.T. (POA) Amendment Act, he was sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment. Seeking suspension of sentence, the present petition has been filed.

2.The case of the prosecution is that the petitioner along with his son committed the offence which is also punishable under the provisions of the Prevention of Atrocities SC/ST act. The petitioner has been convicted for the period of incarceration for 2 years as against the co-accused.

3.Learned counsel appearing for the petitioner submitted that the co-accused had already got his sentence suspended.

4.Inasmuch as the provisions of the SC/ST Act is involved, we directed the learned Additional Public Prosecutor to serve the victim and accordingly, it was informed that the service has been effected.

5.Considering the above, and particularly by taking note of the fact that the co-accused, who has been punished for higher sentence, got his sentence suspended, we are inclined to suspend the sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended on condition that the petitioner executes a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of Special Court for S.C./S.T. Act Cases, Villupuram. and on further condition that he shall report before the concerned Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-

17/12/2020

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 SPECIAL COURT FOR SC/ST
ACT CASES, VILLUPURAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
VILLUPURAM WEST POLICE STATION,
VILLUPURAM,

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

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

Order

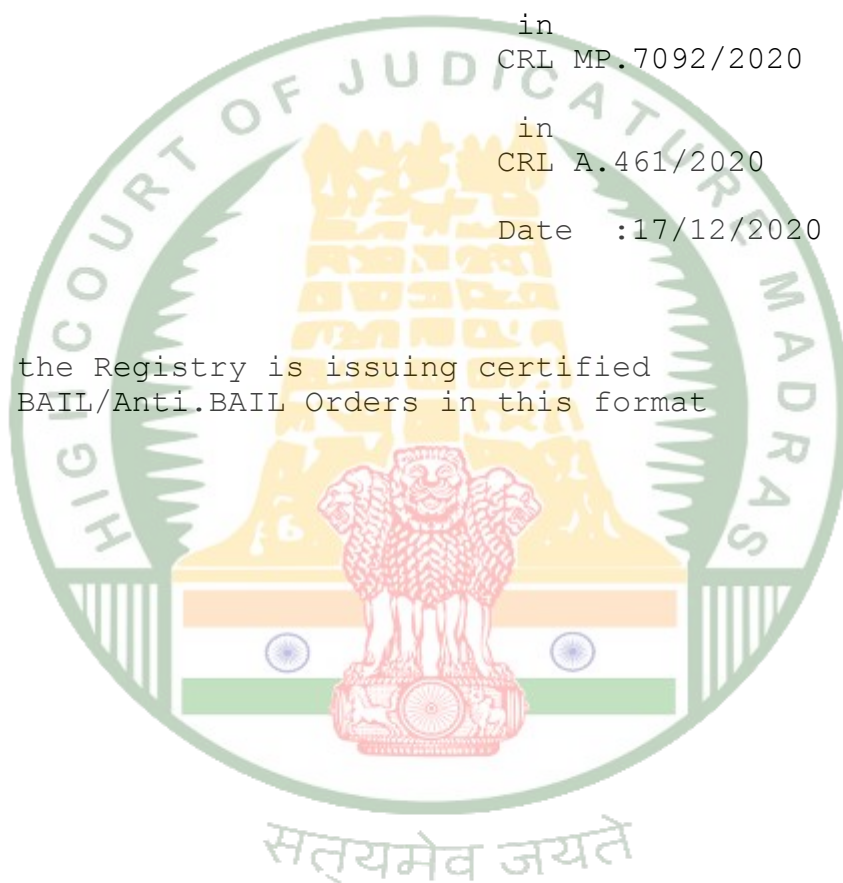
in
CRL MP.7092/2020

in
CRL A.461/2020

Date :17/12/2020

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RVR 18/12/2020



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