



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Thirty First day of January Two Thousand Twenty

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PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) Nos.209 and 210 of 2020

IN

CRL A(MD) No.25 of 2020

1 MALLIKA
2 MANICKAM

... APPELLANTS/PETITIONERS
IN BOTH PETITIONS

Vs

THE DEPUTY SUPERINTENDENT OF POLICE,
THIRUPPATHUR SUB DIVISION
THIRUKOSTIYUR POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.129/2012

... RESPONDENT/ RESPONDENT
IN BOTH PETITIONS

PRAYER IN CRL MP(MD)No.209 of 2020 in CRL A(MD) No.25 of 2020:

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Suspend the sentence alone imposed in S.C.No.38 of 2013 dated 12/12/2019 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases under Registered SC/ST POA Act 1989, Sivagangai pending disposal of the above Criminal Appeal and thus render justice.

PRAYER IN CRL MP(MD)No.210 of 2020 in CRL A(MD) No.25 of 2020:

To exempt the petitioner's surrender in S.C.No.38 of 2013 dated 12/12/2019 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases under Registered SC/ST POA Act 1989, Sivagangai pending disposal of the Criminal appeal petition and thus render justice.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.V.KARUNA, Advocate for the petitioners in both petitions, and of



Mr.V.NEELAKANDAN, Additional Public Prosecutor on behalf of the Respondent in both petitions, while admitting the CRL A, the court made the following order:-

The learned counsel for the appellants submitted that the petitioners have been convicted by the learned trial judge, for the alleged offence under Section 294 (b) of IPC, and sentenced to undergo simple imprisonment for a period of one month each and for the alleged offence under Section 3 (1) (x) of SC/ST (POA) Act, 1989, sentenced to undergo simple imprisonment for a period of six months each and to pay a fine of Rs.1,000/- each, in default to undergo rigorous imprisonment for a period of one month in S.C.No.38 of 2013 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Sivagangai.

2.It is submitted by the learned counsel for the petitioners that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

3.It is submitted by the learned Additional Public Prosecutor that there are enough materials available on record against the petitioners as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and he strongly opposed to grant suspension of sentence.

4.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

5.The learned counsel for the petitioners pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioners herein are entitled to the relief of grant of suspension of sentence.

6.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioners are directed to be enlarged on bail on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Sivagangai, and on further condition that the petitioners shall appear before the said Court daily twice i.e. at 10.30 a.m and 5.00 p.m pending appeal.



7.The petitioners are exempted from surrendering before the trial Court for the purpose of furnishing sureties.

sd/-
31/01/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE SESSIONS JUDGE, SPECIAL COURT FOR EXCLUSIVE
TRIAL OF CASES UNDER SC/ST (POA) ACT,
SIVAGANGAI.

2.THE DEPUTY SUPERINTENDENT OF POLICE,
THIRUPPATHUR SUB DIVISION
THIRUKOSTIYUR POLICE STATION,
SIVAGANGAI DISTRICT.

3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to Mr.V.KARUNA Advocate SR.No.1981

ORDER
IN
CRL MP(MD) Nos.209 and 210 of
2020 IN
CRL A(MD) No.25 of 2020
Date :31/01/2020

DSS
TK/PN/SAR.2/03.02.2020/3P/5C