



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Eighth day of December Two Thousand and Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.2150 of 2020
IN
CRL A(MD) No.118 of 2020

JAYAMANI

... PETITIONER/ APPELLANT/
ACCUSED NO.1

Vs

1 STATE REP.BY

THE DEPUTY SUPERINTENDENT OF POLICE,
THIRUPPATHUR TALUK, THIRUPPATHUR,
SIVAGANGAI DISTRICT.

...1st RESPONDENT/ RESPONDNET/
COMPLAINANT

2 K.DHANUSKODI

... 2nd RESPONDNET

(R2 IMPEADED AS PER ORDER OF THIS COURT
DATED 16.03.2020 MADE IN CRL.MP(MD)No.2363/2020
IN CRL A(MD) No.118 of 2020 BY TKJ)

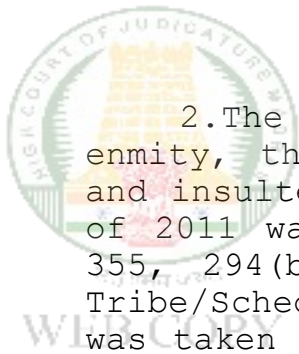
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence passed by the P.C.R.Court at Sivagangai in S.C.No.160 of 2011 dated 04.04.2019 and enlarge the petitioner on bail pending disposal of the above said Criminal Appeal.

PRAYER IN CRL A(MD) No.118 of 2020:

To call for the records to set aside the order passed in S.C.No.160 of 2011 dated 04.04.2019 on the file of P.C.R court at Sivagangai.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.S.KAMESWARAN, Advocate for the petitioner and of Mrs.S.BHARATHI, Government Advocate(Crl.Side) for the 1st Respondent, the Court made the following order:-

This petition has been filed to suspend the sentence imposed by the P.C.R. Court, Sivagangai in S.C.No.160 of 2011 dated 04.04.2019, till the disposal of the appeal.



2.The case against the petitioner is that due to previous enmity, the petitioner and others waylaid the defacto complainant and insulted him by narrating his caste name. A case in Crime No.40 of 2011 was filed against the petitioner under Sections 341, 323, 355, 294(b) and 506(i) of IPC and Section 3(1)(x) of Scheduled Tribe/Scheduled Caste (Prevention of Atrocities) Act and the case was taken on file as S.C.No.160 of 2011. The learned Judge, P.C.R. Court convicted the petitioner and for the offence under Section 341 of IPC imposed a fine of Rs.500/- (Rupees Five Hundred only) in default to undergo one month rigorous imprisonment and under Section 294(b) of IPC imposed a fine of Rs.1,000/- (Rupees One Thousand only) in default to undergo one month rigorous imprisonment and under Section 323 of IPC imposed a fine of Rs.1,000/- (Rupees One Thousand only) in default to undergo one month rigorous imprisonment and under Section 355 of IPC imposed a fine of Rs.1,000/- (Rupees One Thousand only) in default to undergo one month rigorous imprisonment and under Section 3(1)(x) of SC/ST (POA) Act sentenced him to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/- (Rupees One Thousand only) in default to undergo one month rigorous imprisonment. Against the conviction and sentence imposed by the trial Court, the petitioner has filed a criminal appeal in Crl.A.(MD)No.118 of 2020 and along with the appeal, he filed this petition for suspension of sentence.

3.On the side of the petitioner, it is stated that the petitioner is an old lady. There was no eye witness. P.W.2 and P.W.3 are not eye witness. They are only hearsay witnesses. P.W.2 to P.W.4 are relatives of P.W.1. There is no evidence except the evidence of P.W.1. There is no evidence for uttering the caste name in the presence of public. P.W.5 and P.W.6 are Police officials. P.W.7 has stated that he has signed only a blank papers. His signature alone was marked as Ex.P4. The doctor has deposed that the injuries may be caused due to falling down in a drunken mood. There are much more points for consideration in the appeal and prayed the sentence to be suspended till the disposal of the appeal.

4.On the side of the prosecution, it is stated that the prosecution has examined 12 witnesses and marked 13 documents and one material object. The case was proved by the prosecution beyond all reasonable doubts. The trial Court has rightly convicted the petitioner and prayed the petition to be dismissed.

5.It is seen that the petitioner has paid the fine amount. The alleged occurrence is of the year 2011. Considering the nature of offence and the age of the petitioner, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

6.Accordingly, the substantive sentence of imprisonment alone is suspended till the disposal of the appeal and the petitioner is



(i) the petitioner is directed to execute 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 learned Judge, P.C.R. Court, Sivagangai;

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(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;

(iii) the petitioner shall appear before the Trial Court as and when required.

sd/-

08/12/2020

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

Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

1 THE SESSIONS JUDGE, P.C.R.COURT, SIVAGANGAI.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
THIRUPPATHUR TALUK, THIRUPPATHUR,
SIVAGANGAI DISTRICT.

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

ORDER

IN

CRL MP(MD) No.2150 of 2020

IN

CRL A(MD) No.118 of 2020

Date : 08/12/2020

MS/SMA/SAR-3/10.12.2020/3P.4C