



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

Thursday, the Thirteenth day of August Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.3814 of 2020

IN

CRL A(MD) No.243 of 2020

1 MUNIYANDI
2 ILAIYARAJA
3 ALAGU

... APPELLANTS/ACCUSED 1 TO 3

Vs

1 THE DEPUTY SUPERINTENDENT OF POLICE,
DEVAKOTTAI TALUK POLICE STATION,
DEVAKOTTAI, SIVAGANGAI DISTRICT.
CRIME NO. 51 OF 2014.

...1ST RESPONDENT/COMPLAINANT

2 MAHESWARI

... 2ND RESPONDENT/DEFACTO
COMPLAINANT

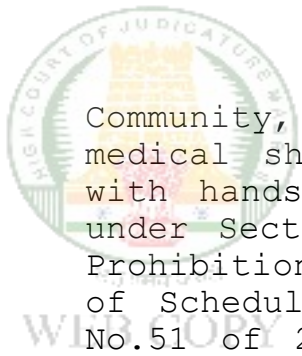
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence imposed in S.C.No.112 of 2014 by the Learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST Act, Sivagangai dated 13.7.2020 till the disposal of appeal and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.S.PUGALENDHI, Advocate for the Appellants and of Mr.K.DINESH BABU, Additional Public Prosecutor for R1, No Appearance either in person or by an Advocate for R2, while admitting the Criminal Appeal, the court made the following order:-

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the first respondent.

2. This Criminal Miscellaneous Petition is filed to suspend the sentence imposed on the petitioners / appellants passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST Act, Sivagangai, vide judgment dated 13.07.2020, in S.C.No.112 of 2014.

3. The case against the petitioners is that on 12.02.2014, the petitioners caused the defacto complainant referring to her



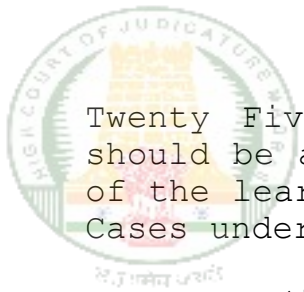
Community, since she has not given priority in attending them at her medical shop. The petitioners assaulted the defacto complainant with hands. Hence, a case was registered against the petitioners under Sections 294(b), 323 of I.P.C r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 and Section 3(1) (xi) of Scheduled Caste / Scheduled Tribes (POA) Act, 1989, in Crime No.51 of 2014. After enquiry, the Special Court, acquitted the petitioners under Section 294(b) I.P.C. and convicted them under Section 323 I.P.C sentenced them to undergo rigorous imprisonment for a period of 2 months each, under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998, sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.10,000/- each in default to further undergo rigorous imprisonment for a period of six months each and under Section 3(1)(xi) of Schedule Caste / Schedule Tribes (POA) Act, 198, sentenced to undergo rigorous imprisonment for a period of 4 years and to pay a fine of Rs.5,000/- each in default to undergo rigorous imprisonment for a further period of 6 months each.

4. As against the said conviction and sentence, the petitioners have preferred an Appeal in CrI.A.(MD)No.243 of 2020. Along with the Appeal, they have filed the present application for suspension of sentence pending disposal of the said Appeal.

5. On the side of the petitioners, it is stated that almost all the eye-witnesses turned hostile. The major offence against the petitioners is only 323 I.P.C. No weapon was used by the petitioners. There is F.I.R. delay. The petitioners are already acquitted under Section 294 (b) I.P.C. There is no injury to the defacto complainant/ victim. The petitioners are in custody from 13.07.2020. There are much more valuable points for arguments in the appeal. It is further stated that the marriage of the second petitioner is to be held on **23.08.2020** and prayed the sentence to be suspended till the disposal of the Criminal Appeal.

6. On the side of the prosecution, it is stated that the trial Court after giving opportunity to the defence side, has rightly convicted the petitioners. 16 witnesses [P.W.1 to P.W.16] were examined and 11 [Ex.P1 to Ex.P11] documents were marked on the side of the prosecution. The wound certificate was marked as Ex.P3. The complaint was marked as Ex.P1. Evidence of P.W.3 and P.W.5 corroborated the evidence of P.W.1 and the prosecution has proved the case beyond all reasonable doubts and and prayed the petition to be dismissed.

7. It is seen that the injuries are simple in nature. No weapons were used by the petitioners. The petitioners are in custody from 13.07.2020 onwards. The second petitioner is likely to be married on 23.08.2020. In the above circumstances, this Court is inclined to grant suspension of sentence till the disposal of the Appeal, on their executing a bond for a sum of Rs.25,000/- (Rupees



Twenty Five 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 Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST Act, Sivagangai, and on further condition that:

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

(ii) the petitioners shall appear before the said Court daily at 10.30 a.m until further orders.

(ii) the second petitioner / A2 is exempted from abiding the condition from 20.08.2020 to 25.08.2020.

sd/-
13/08/2020

/ TRUE COPY /

/08/2020

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

TO

- 1.THE SESSIONS JDUGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF
CASES UNDER SC/ST ACT, SIVAGANGAI.
- 2.THE DEPUTY SUPERINTENDENT OF POLICE,
DEVAKOTTAI TALUK POLICE STATION,
DEVAKOTTAI, SIVAGANGAI DISTRICT.
- 3.THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE SECTION OFFICER, CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.S.PUGALENDHI Advocate SR.No.5948

ORDER IN
CRL MP(MD) No.3814 of 2020
IN
CRL A(MD) No.243 of 2020
Date :13/08/2020

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<https://hcservices.ecourts.gov.in/hcservices>
IN/CC/CR.A.27/13.08.2020/3P/7C