



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

Friday, the Eleventh day of December Two Thousand and Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.5536 of 2020
IN
CRL A(MD) No.323 of 2020

1 MURUGAN
2 BALUCHAMY
3 POORNAMMAL

... APPELLANTS/ ACCUSED NO.1 TO 3

Vs

1 STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
SIVAGANGAI SUB DIVISION, SIVAGANGAI,
SIVAGANGAI DISTRICT.
(CRIME NO.66/2006)
SALAIKIRAMAM POLICE STATION.

2 THE INSPECTOR OF POLICE
SALAIGRAMAM POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.66/2006

... RESPONDENTS 1 & 2/ COMPLAINANTS

3 MUTHURAMALINGAM

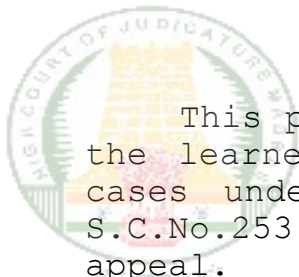
... RESPONDENT/ RESPONDENT

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 and granting bail in S.C.NO.253 of 2009 by the Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST(POA) Act, 1989, Sivagangai, Sivagangai District dated 29/09/2020 till the disposal of the Criminal Appeal.

PRAYER IN CRL A(MD) No.323 of 2020:

To call for the records from the lower court in S.C.No.253 of 2009 by the Sessions Judge, Special Court for Exclusive Trial of cases under SC/ST(POA) Act, 1989, Sivagangai, Sivagangai District dated 29.09.2020 by acquitting the accused by allowing the Appeal.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mrs.S.RAGAVENTHRE, Advocate for the petitioner and of MR.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-



This petition has been filed to suspend the sentence imposed by the learned Sessions Judge, Special Court for exclusive trial of cases under SC/ST (POA) Act, Sivagangai, Sivagangai District in S.C.No.253 of 2009 dated 29.09.2020, till the disposal of the appeal.

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2.The case against the petitioners is that they insulted the defacto complainant and his relative by mentioning their caste name. A case was filed against the petitioners in Crime No.66 of 2006 under Section 420 of IPC and Section 3(1)(x) of Scheduled Caste/Scheduled Tribes (POA) Act and was taken on file as P.R.C.No.3 of 2007. The learned Sessions Judge, Madurai found A1 guilty under Section 3(1)(x) Scheduled Caste/Scheduled Tribes (POA) Act and sentenced him to undergo 2 years rigorous imprisonment and to pay a fine of Rs.10,000/- (Rupees Ten Thousand only) in default to undergo six months rigorous imprisonment and found A2 and A3 guilty under Section 3(1)(x) Scheduled Caste/Scheduled Tribes (POA) Act and sentenced them to undergo six months rigorous imprisonment each and to pay a fine of Rs.1,000/- (Rupees One Thousand only) each in default to undergo two months rigorous imprisonment each. Against the conviction and sentence imposed by the trial Court, the petitioner has filed a criminal appeal in Crl.A.(MD)No.323 of 2020 and along with the appeal, they filed this petition for suspension of sentence.

3.On the side of the petitioners, it is stated that A2 and A3 are the parents of A1. Both of them are aged persons. The alleged occurrence took place only inside the house of the victim and there is no question of insulting before the public view. Fine amount was already paid. There are much more points to be argued in the main appeal. The sentence imposed upon the petitioners were suspended by the trial Court till 29.10.2020 and subsequently the petitioners have not sought for extension 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 8 documents. 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 petitioners have filed the present appeal on 16.10.2020. Considering the nature of offence and considering the fact that the appeal was filed in time, this Court is of the view that the petitioners herein are 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 petitioners are ordered to be released on bail on the following conditions:



(i) the petitioners are 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 Sessions Judge, Special Court for exclusive trial of cases under SC/ST (POA) Act, Sivagangai ;

(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 petitioners shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

sd/-
11/12/2020

/ TRUE COPY /

/ /2020
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,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER SC/ST(POA) ACT, 1989, SIVAGANGAI,
SIVAGANGAI DISTRICT.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
SIVAGANGAI SUB DIVISION, SIVAGANGAI,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SALAIGRAMAM POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.S.RAGAVENTHRE, Advocate (SR-8089[I] dated 11/12/2020)

ORDER IN
CRL MP(MD) No.5536 of 2020
IN CRL A(MD) No.323 of 2020
Date :11/12/2020