

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.MP.No.5747 of 2021

in Crl.A. No.238 of 2021

1.Pandiyan
2.Namachivayam
3.Nithiyanandham
4.Thavamani

...Petitioners

-Vs-

The Deputy Superintendent of Police,
Ulundurpet Sub Division,
Villupuram Taluk.

...Respondent

Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C. to suspend the sentence imposed in the judgment dated 09.02.2021 passed in Spl.S.C.No.40 of 2015 on the file of Special Sessions Court for SC/ST Act, Villupuram and release him on bail pending disposal of the Appeal.

For Petitioner : Mr.MA.P.Thangavel

For Respondents : Ms.Saradha Devi
Government Advocate (Crl.Side)
for R2

ORDER

The petitioners figured as accused in Spl.S.C.No.40 of 2015 on the file of learned Special Sessions Court for SC/ST Act, Villupuram. By the impugned judgment dated 09.02.2021, the trial court convicted and sentenced the petitioners as follows :-

Accused No	Offences	Conviction and sentence
1	Under Section 307, 323(ii), 506(2), 3(1)(10) of SC/ST Act, 1989	(a) To undergo 10 years rigorous imprisonment and to pay fine of Rs.1000 in default to undergo 3 months simple imprisonment for the offence under Section 307 of IPC (b) To pay fine of Rs.1000 in default to undergo 3 months simple imprisonment for the offences under Sections 323 (ii) and 506(2) of IPC (c) To undergo 2 years rigorous imprisonment and to pay fine of Rs.1000 in default to undergo 3 months simple imprisonment for the offence under Section 3(1)(10) of SC/ST Act
2	Under Section 307 and 448 of IPC	(a) To undergo 10 years rigorous imprisonment and to pay fine of Rs.1000 in default to undergo 3 months simple imprisonment for the offence under Section 307 of IPC (b) To pay fine of Rs.1000 in default to undergo 3 months simple imprisonment for the offence under Section 448 of IPC
3	Under Section 448 & 323 of IPC	(a) To pay fine of Rs.1000 in default to undergo 3 months simple imprisonment for the offences under Sections 448 & 323 of IPC.
4	Under Section 324(2), 3(1)(10) of SC/ST Act 1989	(a) To pay fine of Rs.3000 in default to undergo simple imprisonment for the offence under Section 324(2) of CPC (b) To undergo 2 years rigorous imprisonment and pay fine of Rs.1000 in default to undergo 3 months simple imprisonment for the offence under Section 3(1)(10) of SC/ST Act 1989

Challenging the judgment passed in Spl.S.C.No.40 of 2015 dated <https://hcservices.ecourts.gov.in/hcservices/>

09.02.2021 on the file of the learned Special Sessions Court for SC/ST Act, Villupuram, the petitioners have filed the above miscellaneous petition seeking suspension of substantive sentence of imprisonment.

2. The learned counsel for the petitioners has raised substantial points in the memorandum of appeal, which require a detailed consideration by this Court.

3. The learned Additional Public Prosecutor submitted that the Court below has appreciated the entire evidence and has given elaborate reasons for convicting and sentencing the petitioners.

4. There are arguable points which requires a consideration in the appeal and the appeal cannot be taken up for hearing in the near future. Therefore, this Court is inclined to suspend the sentence imposed by the Court below.

5. The first and second petitioners are said to be in custody since 09.02.2021. The first petitioner is aged about 68 years. Taking note of the period of incarceration and also the frivolous of COVID-19 Pandemic, the sentence imposed by the Court below vide Judgment made in Spl.S.C.No.40 of 2015 dated 09.02.2021 on the file of learned Special Sessions Court for SC/ST Act, Villupuram is hereby suspended 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 Special Sessions Court for SC/ST Act, Villupuram and the petitioner shall appear before the said Court on the first working day of every English Calender month at 10.30 a.m. until further orders.

6. Accordingly, this petition is ordered.

-sd/-

06/05/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL SESSIONS COURT FOR SC/ST ACT,
VILLUPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
ULUNDURPET SUB DIVISION,
VILLUPURAM DISTRICT.

4 THE OFFICER INCHARGE
SUB JAIL, GINGEE.

+1 C.C. to M/S.MA.P.THANGAVEL Advocate on payment of necessary
charges SR.NO.5991

Order

in
CRL MP.5747/2021

in
CRL A.238/2021

Date :06/05/2021

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