

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.M.P.No.5012 of 2021

in Crl.A.No.175 of 2021

1.NagarajAppellants/Accused 1 to 6
2.Ayyappan
3.Kamaraj
4.Ganapathi @ Pasupathi
5.Ayyanar
6.Mahalingam

-Vs-

1.State rep. by
The Deputy Superintendent of Police,
Tirukoilur Police Station,
Villupuram District.
Crime No.104 of 2014.Respondent/Complainant

2.Vasanth KumarRespondent/Defacto-Complainant

Prayer: Criminal Miscellaneous Petition filed under Section 389 (1) of Cr.P.C. to suspend the sentence imposed against the petitioners in Special Case No.259 of 2015 on 24.03.2021 by the Learned Session Judge, Special Court for SC/ST Act, Cases, Villupuram be suspended pending disposal of the criminal appeal.

For Petitioners : Mr.S.Saravanakumar

For R1 : Mr.A.Damodaran
Government Advocate (Crl.Side)

ORDER

(The case has been heard through video conference)

This criminal miscellaneous petition has been filed against the judgment dated 24.03.2021 passed in Special Case No.259 of 2015 on the file of the learned Sessions Judge, Special Court for SC/ST Act Cases, Villupuram wherein, the petitioners were convicted and sentenced to undergo two years rigorous imprisonment and to pay fine of Rs.1,000/- for each counts, under Section 148 of IPC in default of payment of fine to undergo further one month simple imprisonment, to undergo two years rigorous imprisonment and to pay fine of Rs.1,000/- for each counts, under Section 3(1)(x) of SC/ST Act, 1989 in default

of payment of fine to undergo further one month simple imprisonment. The above mentioned sentences are ordered to run concurrently.

2.The learned counsel for the petitioners submitted that the evidence has not been properly appreciated and there is a fair chance for the appellants to be acquitted in appeal.

3. The learned Government Advocate appearing for the respondent submitted that the Court below has appreciated the entire evidence and has given elaborate reasons for convicting and sentencing the petitioners.

4. Along with the Criminal Appeal, the petitioners filed petition to suspend the sentence. Considering the above fact that the appellants were imposed imprisonment for two years, this Court is inclined to suspend the sentence alone and enlarge the petitioners on bail.

5. Accordingly, this miscellaneous petition is ordered and the sentence alone imposed by the Court below vide order dated 24.03.2021 passed in Special Case No.259 of 2015 on the file of the learned Sessions Judge, Special Court for SC/ST Act Cases, Villupuram, is hereby suspended and the petitioners are directed to be enlarged on bail, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for SC/ST Act Cases, Villupuram, within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of the concerned court and also the petitioners shall pay the fine as ordered by the trial court within a period of two weeks, if not already paid, and on such deposit of fine, the petitioners are ordered to be released on bail till the disposal of the criminal appeal and they shall appear before the said Court once in fifteen days of every English Calendar month at 10.30 A.M., from the date of lifting of lockdown and commencement of regular functioning of Court below, until further orders.

-sd/-

09/06/2021

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

TRUE COPY

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

TO

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

2 THE DEPUTY SUPERINTENDENT OF POLICE,
TIRUKOILUR POLICE STATION,
VILLUPURAM DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.S.SARAVANA KUMAR Advocate on payment of necessary charges

Order

in
CRL MP.5012/2021

in
CRL A.175/2021

Date :09/06/2021

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TA-16/06/2021



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