

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Eighth day of June Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

and

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL MISCELLANEOUS PETITION No.5192 of 2021

IN

CRL A.444 OF 2020

ASARUDHIN

[PETITIONER/APPELLANT]

Vs

STATE REP.BY

THE DEPUTY SUPERINTENDENT OF POLICE,
THIRUCHENGODE, SUB DIVISION,
NAMAKKAL DISTRICT.
CR.NO.421 OF 2014.

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to suspend the sentence and enlarge the petitioner on bail imposed in S.C.No.36 of 2017 dated 01/10/2020 passed by the Learned Sessions Judge, Special Court, for SC and ST (POA) Act, Namakkal pending disposal of the above Crl.A.No.444/2020 and thus render justice.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.M.VIGNESH, Advocate for the petitioner and of MR.R.MUNIYAPPARAJ, Govt.Advocate(Crl. Side) on behalf of the Respondent the court made the following order:-

(Order of the Court was made by P.N.PRAKASH,J.)

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner (A1) by judgment dated 01.10.2020 passed in S.C.No.36 of 2017 on the file of the Sessions Court, (Special Court for the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989), Namakkal and to enlarge the petitioner (A1) on bail till the disposal of the appeal.

2. This is the second petition for suspension of sentence and bail and the earlier petition in Crl.M.P.No.6792 of 2020 has been dismissed as withdrawn.

3. It is the case of the prosecution that the petitioner (A1) and his relative Sidhik (A2) had quarrelled with the deceased Rathinam and had assaulted him severely, on account of which, Rathinam succumbed to the injuries. During trial, Sidhik (A2) was discharged as it was found that he was mentally unsound.

4. As regards the petitioner (A1) herein, it is reported that there are two previous cases pending against him in Chinna Tharapuram Police Station Crime No.89 of 2019 for the offences under Sections 341, 392 r/w 397 and 506 (II) IPC and Chinna Tharapuram Police Station Crime No.87 of 2019 for the offences under Sections 457 and 380 IPC.

5. In such view of the matter, we are not inclined to grant suspension of sentence and bail to the petitioner (A1), inasmuch as, the petitioner (A1) has got involved in those two cases during the pendency of the present case.

Hence, this criminal miscellaneous petition is dismissed for the present.

-sd/-

08/06/2021

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(POA) ACT,
NAMAKKAL

2 THE DEPUTY SUPERINTENDENT OF POLICE,
THIRUCHENGODE, SUB DIVISION,
NAMAKKAL DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

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

Order

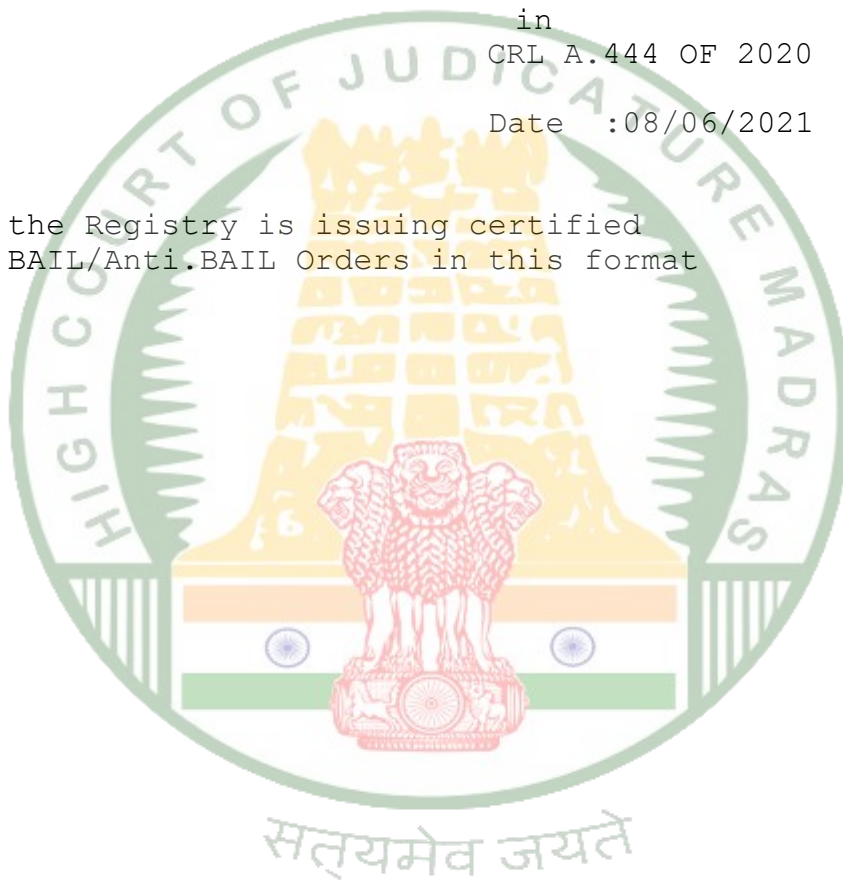
in
CRL MP.5192/2021

in
CRL A.444 OF 2020

Date :08/06/2021

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RVR 15/06/2021



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