

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.MP.No.5497 of 2021

and

Crl.A. No.214 of 2021

Visvanathan

...Petitioner

-Vs-

1.The State by
Deputy Superintendent of Police,
Gingee Sub Division,
Villupuram District,
Crime No.112 of 2018

2.Lakshmi

...Respondent

Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C. to suspend the sentence imposed in the judgment dated 30.03.2021 passed in Spl.S.C.No.37 of 2018 on the file of Sessions Court/Special Court for SC & ST Act cases, Villupuram, pending disposal of the above criminal appeal.

For Petitioner :

Mr.K.Sudhakar

For Respondents :

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

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ORDER

The petitioner figured as accused in Spl.S.C.No.37 of 2018 on the file of learned Sessions Court/Special Court for SC & ST Act cases, Villupuram. By the impugned judgment dated 30.03.2021, the trial court convicted the petitioner for the offence u/s.435 IPC read with 3(2)(iii) of SC/ST (POA) Amendment Act 2015 and sentenced him to undergo three years rigorous Imprisonment and pay fine of Rs.1000/- in default to undergo three months simple imprisonment. Challenging the judgment passed in Spl.S.C.No.37 of 2018 dated 30.03.2021 on the file of the learned Sessions Court/Special Court for SC & ST Act cases, Villupuram,, the petitioner has filed the above miscellaneous petition seeking suspension of substantive sentence of imprisonment.

2. Heard the learned counsel for the petitioner.

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 petitioner.

4. There are arguable points which requires a consideration in the Revision and the Revision 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 sentence imposed by the Court below vide Judgment made in Spl.S.C.No.37 of 2018 dated 30.03.2021 on the file of learned Sessions Court/Special Court for SC & ST Act cases, Villupuram is hereby suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner 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 Court/Special Court for SC & ST Act cases, Villupuram and the petitioner shall appear before the said Court on the first working day of every English Calendar month at 10.30 a.m. until further orders.

6. Accordingly, this petition is ordered.

06.05.2021
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lpp/rm
To

1. The Sessions Court/Special Court for SC & ST Act cases,
Villupuram
2. Deputy Superintendent of Police,
Gingee Sub Division,
Villupuram District.
3. The Public Prosecutor,
High Court of Madras.

G.R.SWAMINATHAN,J.

Lpp/rm



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