



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixteenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

and

The Hon`ble Ms Justice R.N. MANJULA

CRIMINAL MISCELLANEOUS PETITION No.8060 of 2021
IN CRL.A.NO.132 of 2021

JEEVA @ JEEVANATHAM

[PETITIONER/APELLANT NO.2]

Vs

STATE REPBY ITS
THE DEPUTY SUPERINTENDENT OF POLICE,
TIRUVANNAMALAI EAST POLICE STATION,
TIRUVANNAMALAI DISTRICT
CRIME NO.247 OF 2016

[RESPONDENT/COMPLAINANT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.132 of 2021 on the file of the High Court, the High Court will be pleased to suspend the sentence passed in Spl.S.C.No.89 of 2019 vide judgment dated 19/01/2021 on the file of the Learned Special Sessions Judge for SC and ST cases, Thiruvannamalai and enlarge the petitioner on bail pending disposal of the above Crl.A.no.132/2021. [CRL.M.P.No.8060 OF 2021]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.132 of 2021 on the file of the High Court and upon hearing the arguments of M/S.OM SAI RAM, Advocate for the Petitioner and of M/S.R.MUNIYAPPARAJ, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment and order dated 19.01.2021 passed in Spl.S.C.No.89 of 2019 on the file of the Sessions Court, Special Court for trial of Cases under Section Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity "the SC/ST Act"), Tiruvannamalai and to enlarge the petitioner on bail pending disposal of the above appeal.



2. The petitioner, who was the second accused in Spl.C.C.No.89 of 2019 on the file of the Sessions Court, Special Court for trial of Cases under Section SC/ST Act, Tiruvannamalai, was convicted and sentenced as follows on 19.01.2021:

S.No.	Provision under which convicted	Sentence
1	Section 120-B IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo two years rigorous imprisonment.
2	Section 3(2) (v-a) of the SC/ST Act	Life imprisonment and fine of Rs.5,000/-, in default to undergo two years rigorous imprisonment.
3	Section 449 IPC	Five years imprisonment and fine of Rs.3,000/-, in default to undergo one year rigorous imprisonment.
4	Section 392 IPC	Five years imprisonment and fine of Rs.3,000/-, in default to undergo one year rigorous imprisonment.
5	Section 302 IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo two years rigorous imprisonment.
6	Section 201 IPC	Three years imprisonment and fine of Rs.2,000/-, in default to undergo one year simple imprisonment.

The aforesaid sentences were ordered to run concurrently.

3. Challenging the above conviction and sentences, the petitioner (A2) has filed Crl.A.No.132 of 2021 with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.S.T.Raja, learned counsel for the petitioner (A2) and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is a case of communal clash, in which, the petitioner (A2) is alleged to have committed the murder of a Dalit lady in broad daylight.

6. The learned counsel for the petitioner (A2) pleaded for suspension of sentence and bail for the petitioner (A2) on medical grounds.



7. A report called for from the Superintendent of Prison, Central Prison, Vellore, shows that the petitioner (A2) was given treatment in the Government Vellore Medical College Hospital (for brevity "the GVMCH"), Vellore, for breathing difficulty and chest pain with low oxygen saturation and high blood pressure and was discharged on 28.07.2021. Again, the petitioner (A2) was admitted on 29.07.2021 in connection with the diabetic ulcerous wound in his left foot. The medical record shows that the petitioner (A2) is being managed in the prison hospital for injuries with insulin therapy and following regular medications and he needs surgical opinion for non-healing ulcerous wound on his left foot at the GVMCH, Vellore.

8. Thus, from the above, it is clear that this is not a case, where, the petitioner (A2) is seriously ill, so as to be released on medical grounds. However, we direct the prison authorities to give the petitioner (A2) the best medical treatment at the GVMCH, Vellore.

In our opinion, this is not a fit case to grant suspension of sentence and bail to the petitioner (A2) and therefore, this criminal miscellaneous petition stands dismissed with the above directions.

-sd/-
16/09/2021

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 TRIAL OF CASES UNDER THE
POCSO SC/ST ACT, TIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
TIRUVANNAMALAI EAST POLICE STATION,
TIRUVANNAMALAI DISTRICT.

C.C. to M/S.OM SAI RAM Advocate on payment of necessary charges

Order

in
CRL MP.8060/2021
in
CRL A.132/2021

Date :16/09/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

RW 21/09/2021