



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Seventh day of January Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.2851 of 2020

IN

CRL A(MD) No.147 of 2020

1 EGAMBARAM

2 RAMASAMY

... PETITIONERS/PETITIONERS

Vs

STATE REP.BY

THE DEPUTY SUPERINTENDENT OF POLICE,

KARUR RURAL DIVISION,

KARUR DISTRICT

CRIME NO.171/2018,

(ON THE FILE OF

ARAVAKURICHI POLICE STATION)

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence of imprisonment imposed by the learned Sessions Judge Karur in S.C.No.85 of 2018 by the judgment dated 27/01/2020 and enlarge the petitioners / Appellants on bail, pending disposal of the above said Criminal Appeal.

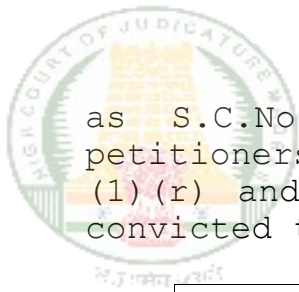
Prayer in CRL A(MD) No.147 of 2020:

To set aside the Judgment and conviction dated 27.01.2020, by the learned Sessions Judge, Karur in S.C.No.85 of 2018 and acquit the Appellant.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.MA.KARUNANITHI, Advocate for the petitioners and of Mrs.S.BHARATHI, Government Advocate on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentenced imposed by the learned Sessions Judge, Karur in S.C.No.85 of 2018 dated 27.01.2020, till the disposal of the appeal.

2.The allegation against the petitioners is that they attacked the defacto complainant and his son with wooden block and caused injuries and insulted them by uttering their caste name. A case in Crime No.171 of 2018 was registered against the petitioners under Sections 294(b), 323, 324, 506(ii) of IPC and Sections 3(1)(r), 3(1)(g) of SC/ST (POA) Act and the case was taken up on file



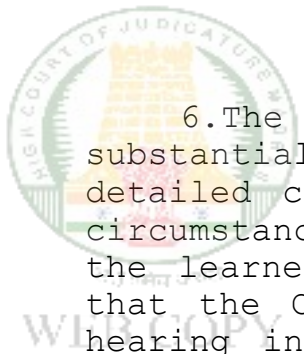
as S.C.No.85 of 2018. The learned Sessions Judge found the petitioners not guilty under Sections 506(ii) of IPC and Sections 3(1)(r) and 3(1)(s) of SC/ST (POA) Act. The learned Sessions Judge convicted the petitioners and sentenced them as hereunder:

Petitioners	Conviction under Section	Sentence
Petitioners 1 and 2	294(b) of IPC	To pay a fine of Rs.1,000/- each in default to undergo each one month simple imprisonment.
First petitioner	323 of IPC (3 counts) r/w. Section 3(2)(va) of SC/ST (POA) Act	To undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/- for each count, in default to undergo one month simple imprisonment on each count
Second petitioner	323 of IPC (1 count) r/w. Section 3(2)(va) of SC/ST (POA) Act	To undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/- for each count, in default to undergo one month simple imprisonment on each count

3.Against the conviction and sentence, the petitioners have preferred an appeal in Crl.A.(MD)No.147 of 2020. Along with the appeal, he has filed the present application for suspension of sentence pending disposal of the said appeal.

4.On the side of the petitioner, it is stated that the fine amount was already paid by the petitioners. The petitioners were regularly appearing before the trial Court and they were getting the benefit of bail throughout the trial and prayed the sentence imposed upon the petitioners to be suspended.

5.On the side of the respondent, it is stated that the prosecution has examined 14 witnesses and marked 21 documents and three material objects. The wound certificates of the victims were marked as Exs.P13, P15 and P17. The case was proved by the prosecution beyond all reasonable doubts. The trial Court has rightly convicted the petitioners and prayed to dismiss the petition.



6.The learned counsel for the petitioners has raised substantial points in the memorandum of revision, which require a detailed consideration by this Court. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioners and considering the fact that the Criminal Appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioners herein are entitled to the relief of suspension of sentence.

7.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are ordered to be released on bail on the following conditions:

(i) The petitioners are directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, Karur.

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their valid identity card to ensure their identity.

(iii) the petitioners shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the appeal or until further orders.

sd/-
07/01/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SESSIONS JUDGE,
KARUR.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
KARUR RURAL DIVISION, KARUR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.2851 of 2020
IN
CRL A(MD) No.147 of 2020
Date :07/01/2021

MRN

<https://hcma.cemilab.gov.in/cases> 31.2021/3P/4C