



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

Wednesday, the Twenty Fourth day of November Two Thousand and  
Twenty One  
PRESENT

**The Hon`ble Mrs.Justice R.THARANI**

CRL MP(MD) Nos.10073 and 10074 of 2021  
IN  
CRL A(MD)No.489 of 2021

VASANTHA KUMAR

... APPELLANT/ACCUSED  
IN BOTH THE PETITIONS

**Vs**

THE STATE REP.BY  
THE DEPUTY SUPERINTENDENT OF POLICE,  
EMANESWARAM POLICE STATION,  
PARAMAKUDI TALUK,  
RAMANATHAPURAM DISTRICT.  
CR.NO.127 OF 2018.

... RESPONDENT/COMPLAINANT  
IN BOTH THE PETITIONS

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 imposed on the Petitioner on SSC.No.5/2019 dated 18.03.2021 on the file of the Hon'ble Session Court, Special Court for trial of cases registered under SC/ST (POA) Act 1989, Ramanathapuram till the disposal of the main Criminal Appeal.

**Prayer in CRL MP(MD) . 10074/ 2021 :**

To Exempt the petitioner from surrendering to the order passed in SSC.No.5 of 2019 dated 18.03.2021 on the file of the Hon'ble Sessions Court, Special Court for trial of cases registered under SC/ST(POA) Act,1989, Ramanathapuram pending the disposal of the main criminal appeal pending before this Hon'ble Court.

**PRAYER IN CRL A(MD)No.489/2021:**

To call for the records and set aside the order of conviction and sentence passed in SSC.No.5/2019 dated 18-03-2021 on the file of the Hon'ble Session Court, Special Court for trial of cases registered under SC/ST(POA)Act 1989, Ramanathapuram and allow this appeal and acquit the appellant/accused from the charges against him.

**Order :** These petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.N.SHYLLAPPA KALYAN, Advocate for the petitioner in both the Petitions and of Mr.K.SURESH KUMAR, Government Advocate on behalf of the Respondent in both the Petitions, While admitting the Crl.A, the court made the following order:-

These petitions have been filed to suspend the sentence imposed by the Sessions Judge, Special Court for trial of cases registered



under SC/ST (POA) Act, 1989, Ramanathapuram, in Spl.S.C.No.05 of 2019, dated 18.03.2021 and to exempt the petitioner from surrendering before the lower Court.

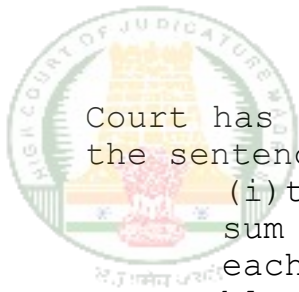
2.The case against the petitioner is that on 19.07.2018, at about 8.30 p.m., when the complainant was crossing the Paramakudi local market on a motor cycle along with his nephew, the accused restrained the de-facto complainant abused him in obscene words and denigrate him by uttering his caste name. A case in Crime No.127 of 2018 was registered under Sections 341, 294(b), 506(1) IPC and Sections 3(1)(r), 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The case was taken on file as Spl.S.C.No.5 of 2019. The Special Court convicted the petitioner under Sections 341, 294(b), 506(1) IPC and under Sections 3(1)(r), 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and sentenced him to undergo simple imprisonment for a period of one month for each of the offences under Sections 341, 294(b), 506(1) IPC and sentenced him to undergo simple imprisonment for a period of one year for each of the offences Sections 3(1)(r), 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and to pay a fine Rs.1,000/- (Rupees One Thousand only) for each of the offences, in default, to undergo simple imprisonment for a period of three months. Against the conviction and sentence, the petitioner has filed an appeal in Crl.A.(MD)No.489 of 2021. Along with the appeal, the petitioner has filed this petitions for suspension of sentence and for exemption of surrendering before the trial Court.

3. On the side of the petitioner, it is stated that there was 4 days delay in registering the FIR. The reason for the delay stated by the complainant is false. P.W.1 has admitted that the accused did not know his caste at the time of occurrence. The occurrence is alleged to have taken place in a public place. But no independence witness was examined by the prosecution. The number of two wheeler, in which, the complainant travelled at the time of occurrence was not mentioned and prayed the sentence to be suspended and for exemption of surrendering before the trial Court.

4. On the side of the petitioner, it is further stated that the petitioner has filed suspension of sentence petition before the trial and the same was granted. But, subsequently, due to the COVID, the petitioner was not able to file suspension of sentence before this Court in time.

5. On the side of the prosecution, it is stated that the prosecution has examined 9 witnesses and marked 7 documents and the prosecution has proved the case beyond all reasonable doubts and prayed the petition to be dismissed.

6. Considering the fact that the petitioner was enjoying the services of the Government, the trial and considering the fact that the trial



Court has suspended the sentence, this Court is inclined to suspend the sentence on the following conditions:-

(i) the petitioner is directed to execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Sessions Judge, Special Court for trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram;

(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 any valid identity proof to ensure their identity;

(iii) the petitioner shall appear before the Sessions Judge, Special Court for trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram, **daily at 10.30 a.m.**, until further orders;

(iv) the petitioner is not exempted from surrendering before the trial Court and the petitioner is directed to surrender before the Sessions Judge, Special Court for trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram, within a period of two weeks from the date of receipt of copy of this order;

7. Accordingly, Crl.M.P.(MD)No.10074 of 2021 is dismissed.  
sd/-

24/11/2021

/ TRUE COPY /

/ /2021

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

**TO**

- 1 THE SESSIONS JUDGE,  
SPECIAL COURT FOR TRIAL OF CASES REGISTERED  
UNDER SC/ST (POA) ACT 1989, RAMANATHAPURAM.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,  
EMANESWARAM POLICE STATION,  
PARAMAKUDI TALUK, RAMANATHAPURAM DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 cc to M/S.N.SHYLLAPPA KALYAN, Advocate, SR.Nos.8543,8544

**ORDER IN**

CRL MP(MD) Nos.10073 and 10074 of 2021

**IN** CRL A(MD)No.489 of 2021

Date :24/11/2021

SA/PN/SAR.4/25.11.2021/3P/6C

<https://hcservices.ecourts.gov.in/hcservices/>