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*Crl.M.P.No.2680 of 2022
in Crl.A.No.207 of 2022*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2022

CORAM:

THE HON'BLE MR.JUSTICE **R.PONGIAPPAN**

Crl.M.P.No.2680 of 2022
in
Crl.A.No.207 of 2022

Selvan @ Chithirai Selvan

... petitioner/Appellant

Vs.

- 1.State rep. by
Deputy Superintendent of Police,
Dharapuram Range,
Dharapuram,
Tiruppur District
- 2.Inspector of Police,
Dharapuram Police Station,
Tiruppur District
(Crime No.646 of 2019)
- 3.Manivel

... Respondents

PRAYER: Criminal Miscellaneous Petition filed under Section 389 (1) of Cr.P.C to suspend the sentence of imprisonment imposed by the learned Principal Sessions Judge, Tiruppur District in Spl.SC.No.5 of 2020 dated 07.01.2021 and enlarge the petitioner on bail pending disposal of Crl.A.No.207 of 2022.



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For Petitioner : Mr.R.Rajesh Vivekananthan

For Respondents

For R1 & 2 : Mr.Leonard Arul Joseph Selvam,
Government Advocate (crl.side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/
1st accused seeking suspension of sentence of imprisonment imposed by the
learned Principal Sessions Judge, Tiruppur District in Spl.SC.No.5 of 2020
dated 07.01.2021 and enlarge the petitioner on bail pending disposal of
Crl.A.No.207 of 2022.

2. The petitioner / appellant herein is the first accused in
Spl.SC.No.5 of 2020 on the file of the learned Principal Sessions Judge,
Tiruppur District. He was found guilty of the offence under Sections 294(b),
332 r/w 3(2)(va) of SC/ST(POA) Amendment Act, 2015, 324 IPC r/w 3(2)
(va) of SC/ST(POA) Amendment Act, 2015, 506(ii) IPC r/w 3(2)(va) of
SC/ST (POA) Amendment Act, 2015, 3(1)(r) and 3(1)(s) of SC/ST(POA)
Amendment Act, 2015 and he has been convicted and sentenced as under:



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S.No.	Conviction	Sentence
1	Section 294(b) IPC	to pay a fine of Rs.1,000/-, in default to undergo one month simple imprisonment
2	Section 332, 324, 506(ii) IPC and 3(2) (va) of TN SC/ST (POA) Amendment Act, 2015	to undergo 3 years rigorous imprisonment each and to pay a fine of Rs.1,000/- each, in default to undergo one month simple imprisonment each
3	3(1)(r) and 3(1)(s) of TN SC/ST (POA) Amendment Act, 2015	to undergo 6 months simple imprisonment each and to pay a fine of Rs.1,000/- each, in default to undergo one month simple imprisonment each
All the sentences of imprisonment are ordered to run concurrently.		

Challenging the same, the petitioner has filed the present criminal appeal.

3. According to the learned counsel for the petitioner/A1, there are arguable points available in the Criminal Appeal and the petitioner/A1 has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the Petitioner/A1 may be suspended.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent Police 1 & 2 /State raised serious objection for allowing this petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the



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prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

6. Considering the facts and circumstances of the case, also considering the submissions of the learned counsel for the petitioner and the learned Government Advocate (crl.side) appearing for the respondent police 1 & 2, further this criminal appeal is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) The petitioner/A1 is ordered to be released on bail, on his executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Principal



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Sessions Judge, Tiruppur District

(b) The petitioner/A1 and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioner 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 criminal appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

7. With the above directions, this Criminal Miscellaneous Petition is ordered.

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10.03.2022
(1/2)

R.PONGIAPPAN, J.



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To

- 1.The learned Principal Sessions Judge,
Tiruppur District
- 2.Deputy Superintendent of Police,
Dharapuram Range,
Dharapuram,
Tiruppur District
- 3.Inspector of Police,
Dharapuram Police Station,
Tiruppur District
- 4.The Public Prosecutor,
High Court of Madras



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