



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.No.5026 of 2022

in Crl.A.No.415 of 2022

Balaji,
S/o.Jayaprakash

...Petitioner /
Accused

versus

1.The Deputy Superintendent of Police,
Chengam Division,
Chengam Police Station.
(Crime No.682 of 2018)

... Respondent /
Complainant

2.Saravanan

... Respondent /
de facto complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 389 (1) r/w 439 of Cr.P.C., praying to suspend the sentence passed by the learned Sessions Judge, Special Court for SC/ST (POA) Act Cases, Tiruvannamalai, Tiruvannamalai District, by judgment dated 17.03.2022 in Special Sessions Case No.29 of 2019 and to enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

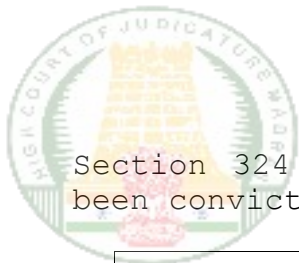
For Petitioner : Mr.L.Mahendran

For Respondent No.1 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been preferred by the petitioner/accused, seeking to suspend the sentence imposed upon him, by judgment and order dated 17.03.2022 passed in Special Sessions Case No.29 of 2019 on the file of the learned Sessions Judge, Special Court for SC/ST (POA) Act Cases, Tiruvannamalai, Tiruvannamalai District and to enlarge him on bail, pending disposal of the appeal.

2. The petitioner, is arrayed as an accused in Special Sessions Case No.29 of 2019 on the file of the learned Sessions Judge, Special Court for SC/ST (POA) Act Cases, Tiruvannamalai, Tiruvannamalai District. He was found guilty for the offences punishable under



Section 324 of IPC and Section 3(2)(va) of SC/ST (POA) Act and has been convicted and sentenced as under:

Offence	Sentence
Section 324 of IPC	Rigorous Imprisonment for 3 years along with fine of Rs.3,000/-, in default, to undergo Simple Imprisonment for 2 months
Section 3(2)(va) of SC/ST (POA) Act	Rigorous Imprisonment for 3 years along with fine of Rs.3,000/-, in default, to undergo Simple Imprisonment for 2 months
The aforesaid sentences were ordered to run concurrently.	

3. Challenging the above conviction and sentence, the petitioner/accused, has filed CrI.A.No.415 of 2022 along with the instant Miscellaneous Petition, seeking suspension of sentence and bail.

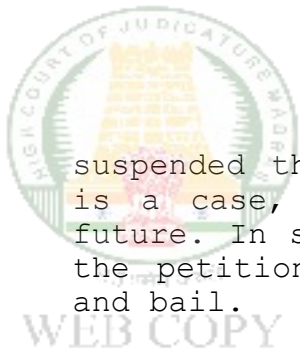
4. The case of the prosecution is that on 02.08.2018, while the *de facto* complainant's daughter has not studied well, the petitioner beaten her and also scolded her in filthy language by using her caste's name. Hence, a case has been registered against the petitioner under Section 324 of IPC and Section 3(2)(va) of SC/ST (POA) Act.

5. According to the learned counsel for the petitioner, there are arguable points available in this appeal and the petitioner has got a fair chance of succeeding in this appeal and hence, the substantive sentence imposed against the petitioner may be suspended before the trial Court.

6. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent police raised serious objection for allowing this petition. He would further submit that the trial Court has already suspended the sentence to the petitioner, till 18.04.2022. He would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

7. Heard Mr.L.Mahendran, learned counsel appearing for the petitioner/accused and Mr.Leonard Arul Joseph Selvam, learned Government Advocate (CrI. Side), appearing for the respondent police and also perused the materials placed on record.

8. Submissions made by the learned counsel appearing on either side are considered. The evidence given by P.W.1 needs a detailed appraisal as to whether the provisions under Section 3(2)(va) of SC/ST Act, is attracted or not. Further, the trial Court has already



suspended the sentence to the petitioner, till 18.04.2022. Here, it is a case, the appeal is not likely to be taken up in the near future. In such a view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

9. Accordingly, sentence of imprisonment alone is suspended and bail is granted to the petitioner on the following conditions:

(a) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for SC/ST (POA) Act Cases, Tiruvannamalai, Tiruvannamalai District;

(b) The petitioner/accused 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; and

(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 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.

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

-sd/-

13/04/2022

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 SC/ST (POA) ACT CASES,
TIRUVANNAMALAI, TIRUVANNAMALAI DISTRICT.



2 THE DEPUTY COMMISSIONER OF POLICE,
CHENGAM POLICE STATION, CHENGAM DIVISION,
CHENGAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

+1C.C. to M/S. L.MAHANDRAN Advocate on payment of necessary
charges SR.No.5644

Order
in
CRL MP.5026/2022
in
CRL A.415/2022
Date :13/04/2022

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CSK 13/04/2022