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Crl.M.P.No.8040 of 2022 in Crl.A.No.606 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.8040 of 2022

in

Crl.A.No.606 of 2022

G.Tamilselvan, (M/A-39 years),
S/o. Ganesan

... Petitioner

Versus

State rep.by
The Deputy Superintendent of Police,
Gingee Sub-Division,
Villupuram District.
(Crime No.219 of 2010)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Sections 389 (1) of the Code of Criminal Procedure, pleased to suspend the sentence imposed against the petitioner in S.C.No.43 of 2015, dated 31.05.2022 by the Learned Session Judge, Special Court for Exclusive Trial of Cases Registered under the SC/ST, Villupuram District.

For Petitioner : Mr. C. D. Johnson

For Respondent : Mr. S. Vinoth Kumar
Govt. Advocate (Crl. Side)



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking suspension of sentence imposed in S.C.No.43 of 2015, dated 31.05.2022 by the Learned Session Judge, Special Court for Exclusive Trial of Cases Registered under the SC/ST, Villupuram District and enlarge him on bail, pending disposal of the Criminal Appeal.

2.Heard the learned Counsel for the petitioner and learned Government Advocate (Criminal Side) for the respondent.

3.The learned Counsel for the petitioner taking this Court through various evidence on record and findings of the Trial Court would submit that the order of the Trial Court is prima facie unsustainable. As the Trial Court itself has acquitted the accused for the offences of the Bonded Labour System (Abolition) Act, 1976, he would further submit that it can be seen that the alleged victims in this case have on their own will came to the quarry for employment, therefore, the offence under Section 370 is also not made out. Further, he would submit the petitioner is under incarceration from 31.05.2022 and prays for suspending the sentence.



4.Per contra, the learned Government Advocate (Crl.Side) would submit that this is the case, in which, the persons belonging to the Schedule Tribes have been brought for work and undue work has been extracted, even their reasonable rights like for going outside of the quarry, etc., were prevented. Those allegations have been proved cumulatively against the petitioner, therefore, the Trial Court has rightly convicted the petitioner and opposed for granting the suspension of sentence to him.

5.I have considered the rival submissions made on either side and perused the materials on record.

6.Considering, the grounds raised by the learned Counsel for the petitioner, that the petitioner is under incarceration from 31.05.2022, considering the facts and circumstances of the case, and the sentence imposed on the accused, and considering the fact that this Court may take a while to decide the appeal for final hearing, I am of the view that this is a fit case for suspension of sentence for the petitioner pending disposal of the appeal on the following conditions:-

(a) the petitioner is ordered to be released on bail, on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five



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thousand only) with two sureties each for a like sum to the satisfaction of the Trial Court;

(b) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhar 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 of 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. This Criminal Miscellaneous Petition is ordered accordingly.

12.08.2022

Index : yes/no

Speaking order/Non-speaking order

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To

- 1.The Special Court for Exclusive Trial of Cases Registered under the SC/ST (POA) Act, Villupuram District.
- 2.The Deputy Superintendent of Police, Gingee Sub-Division, Villupuram District.
- 3.The Public Prosecutor, Madras High Court.
- 4.The Superintendent, Central Prison, Cuddalore District.



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D.BHARATHA CHAKRAVARTHY. J.,

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