



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

Monday, the Twenty Seventh day of June Two Thousand and Twenty Two

PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.6229 of 2022
IN
CRL A(MD)No.358 of 2022

S.SHANMUGANATHAN

... APPELLANT/ACCUSED

Vs

1 THE DEPUTY SUPERINTENDENT OF POLICE,
SATHANKULAM SUB DIVISION,
THATTARMADAM POLICE STATION,
THOOTHUKUDI DISTRICT.

2 THE INSPECTOR OF POLICE
THATTARMADAM POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO. 95/2019

... RESPONDENTS/COMPLAINANT

3 G.MUTHUVEL

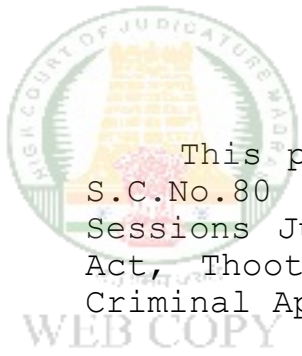
... RESPONDENT/DEFACTO COMPLAINANT

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 passed through Judgment dated 20.05.2022 in S.C No. 80/2020 on the file of the Learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Thoothukudi, Thoothukudi district till the disposal of the appeal.

PRAYER IN CRL.A(MD)No.358 of 2022:

Pleased to call for the records in SC 80/2020 on the file of the Learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Thoothukudi, Thoothukudi District and set-aside the Judgment dated 20.05.2022 in SC 80/2020 on the file of the Learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Thoothukudi, Thoothukudi District.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.RAAMAKRISHNAN.KA, Advocate for the petitioner and of Mr.B.NAMBI SELVAN, Additional Public Prosecutor on behalf of the Respondents 1 & 2, the court made the following order:-



This petition has been filed to suspend the sentence passed in S.C.No.80 of 2020, dated 20.05.2022, on the file of the learned Sessions Judge, Special Court for trial of Cases under SC/ST (POA) Act, Thoothukudi, Thoothukudi District, till the disposal of the Criminal Appeal.

2.The learned counsel appearing for the petitioner submitted that the trial Court convicted the petitioner/accused and sentenced him to undergo Rigorous Imprisonment for three years and to pay a fine of Rs.4,000/-, in default, to undergo six months Simple Imprisonment under Section 452 IPC and further, the petitioner is convicted and sentenced to undergo Rigorous Imprisonment for three years and to pay a fine of Rs.4,000/-, in default, to undergo simple imprisonment for six months under Section 324 IPC r/w Section 3(2) (Va) of SC/ST (POA) Act. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

3.The learned counsel appearing for the petitioner has raised substantial points in the memorandum of appeal, which requires a detailed consideration by this Court.

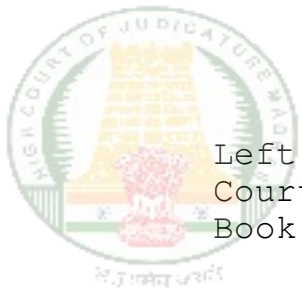
4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the official respondents. Despite receipt of Court notice, the third respondent has not turned up.

5. I have perused the petitioner's affidavit filed in support of the above petition, judgment of the trial Court and the memorandum of the appeal.

6.Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner that there are several infirmities in the prosecution case in respect of the petitioner and that there are arguable points involved in the appeal and further that the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

7.Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:-

- (i) the petitioner shall execute 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 Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi, Thoothukudi District.



(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders 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.

sd/-

27/06/2022

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30/06/2022

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 UNDER SC/ST (POA) ACT,
THOOTHUKUDI.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
SATHANKULAM SUB DIVISION,
THATTARMADAM POLICE STATION,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THATTARMADAM POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP(MD) No.6229 of 2022
IN

CRL A(MD) No.358 of 2022

Date : 27/06/2022

(1/2)

SA/VR/SAR.4/30.06.2022/3P/5C