



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

Thursday, the Ninth day of June Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.6351 of 2022
in
CRL A(MD) No.365 of 2022

1 PRAVIN @ SILUVAI PRAVINSTON

2 ANTONY SIVA @ SIVA

3 ANTONY KAWASKAR @ KAWASKAR

4 ANTONY VASANTH @ VASANTH

5 KAPIL RAJA @ KAPIL ... PETITIONERS/APPELLANTS/ACCUSED 1 TO 5

Vs

THE STATE REPRESENTED BY
THE DEPUTY SUPERINTENDENT OF POLICE,
TIRUCHENDUR P.S,
THOOTHUKUDI DISTRICT.
CRIME NO. 295 OF 2019

... RESPONDENT/RESPONDENT/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 operation and execution of sentence imposed by Learned Special Court for Trial of cases under SC/ST (POA) Thoothukudi against the petitioners in S.C No. 126/2020 dated 12.05.2022 till the disposal of the appeal may be pleased to enlarge

PRAYER IN CRL A(MD) No.365 of 2022:

Pleased to call for the records and to allow the appeal by setting aside the impugned Judgment and conviction imposed in S.C.No.126 of 2020 dated 12.05.2022 by the learned Special Court for Trial of cases under SC ST Act(POA) Thoothukudi and may be pleased to acquit the appellants/accused.

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.ANBARASU.S.R, Advocate for the petitioner and Additional Public Prosecutor for the respondent while admitting the CRL OP., the Court made the following order:-



Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

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

3. The petitioners 1 and 3 to 5/A1, A3 to A5 are convicted and sentenced Rigorous Imprisonment for one year each and to pay a fine of Rs.1,000/- each, in default, to under go one month Simple Imprisonment under Section 506(ii) IPC r/w 3(2)(va) of SC/ST (POA) Act. The second petitioner/A2 is convicted and sentenced to under go Rigorous Imprisonment for one year for the offence under Section 506 (ii) IPC r/w 3(2)(va) of SC/ST (POA) Act and to pay a fine of Rs.1,000/-, in default, to undergo Simple Imprisonment for one month and also the second petitioner is convicted under Section 324 IPC r/w 3(2)(va) of SC/ST (POA) Act and sentenced to undergo Rigorous Imprisonment for one year and to pay a fine of Rs.2,000/-, in default, to undergo one month Simple Imprisonment, in S.C.No. 126 of 2020 on the file of the learned Sessions Judge, Special Court for Trial of cases under SC/ST (POA) Act, Thoothukudi.

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

5. No doubt, the petitioners/A1 to A5 were granted suspension of sentence till 10.06.2022. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioners that there are several infirmities in the prosecution case in respect of the petitioners 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 petitioners herein are entitled to the relief of suspension of sentence.

6. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended till the disposal of the appeal and the petitioners are ordered to be released on bail and on further condition that the petitioners shall appear before the concerned Court on the first working day of every month at 10.30 a.m, and that the sureties already executed shall stand good.

sd/-

09/06/2022

/ TRUE COPY /

14/06/2022

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



TO

1 THE JUDGE, SPECIAL COURT FOR
TRIAL OF CASES UNDER SC/ST ACT (POA),
THOOTHUKUDI.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
TIRUCHENDUR P.S, THOOTHUKUDI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.ANBARASU.S.R, Advocate SR.No.5346

ORDER

IN

CRL MP (MD) No.6351 of 2022

in

CRL A (MD) No.365 of 2022

Date :09/06/2022

SS/PN/14.06.2022 : 3P/5C