



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

Friday, the Seventeenth day of June Two Thousand and Twenty Two

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.6727 of 2022

IN

CRL A(MD)No.380 of 2022

1 CHANDRAN @ CHANDRASEKAR

2 MUTHURAMALINGAM

3 CHINNA CHAKKARAI

... PETITIONERS/APPELLANTS 1,3 & 6

Vs

THE STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
SATTUR SUB DIVISION,
VEMBAKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO. 49 OF 2008)

... RESPONDENT/COMPLAINANT

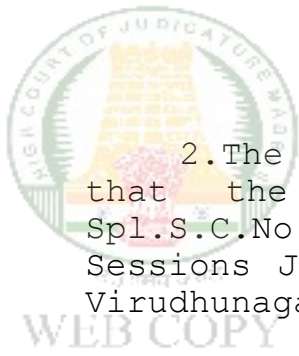
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed by the Hon`ble Sessions Judge, Special Court for Trial of SC/ST (POA) Act Cases, Virudhunagar District at Sriviliputhur in Spl.S.C.No.51 of 2009, Dated.25.05.2022.

PRAYER IN CRL A(MD)No.380 of 2022:

Pleased to call for the records pertaining to the Spl.SC.No.51 of 2009 dated 25.05.2022 and set aside the Judgment passed by the Hon'ble Sessions Judge, Special Court for Trial of SC/ST(POA) Act Cases, Virudhunagar District at Sriviliputhur.

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.LAKSHMI GOPINATHAN, Advocate for M/S.POLAX LEGAL SOLUTION, for the petitioner and of Mr.B.NAMBI SELVAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence passed in Spl.S.C.No.51 of 2009, dated 25.05.2022, on the file of the learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act, cases, Virudhunagar District at Srivilliputtur.



2.The learned counsel appearing for the petitioners submitted that the trial Court convicted the petitioner/accused in Spl.S.C.No.51 of 2009, dated 25.05.2022, on the file of the learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act, cases, Virudhunagar District at Srivilliputtur, as follows:-

Accused	Provision under which convicted	Sentence
A3 - Chandran @ Chandrasekar	Under Section 148 IPC r/w Section 3(2)(va) of SC/ST (POA) Act	Sentenced to undergo three months rigorous imprisonment and to pay a fine of Rs.100/- in default to undergo two weeks simple imprisonment.
	Under Section 323 IPC r/w Section 3(2)(va) of SC/ST (POA) Act	Sentenced to undergo three months rigorous imprisonment and to pay a fine of Rs.100/- in default to undergo two weeks simple imprisonment.
	Under Section 324 IPC r/w Section 3(2)(va) of SC/ST (POA) Act	Sentenced to undergo six months rigorous imprisonment and to pay a fine of Rs.200/- in default to undergo one month simple imprisonment.
	Under Section 427 IPC	to pay a fine of Rs.100/- in default to undergo two weeks simple imprisonment.



Accused	Provision under which convicted	Sentence
A5- Muthuramalingam	Under Section 147 IPC r/w Section 3(2)(va) of SC/ST (POA) Act	Sentenced to undergo two months rigorous imprisonment and to pay a fine of Rs.150/- in default to undergo three weeks simple imprisonment.
	Under Section 325 IPC r/w Section 3(2)(va) of SC/ST (POA) Act	Sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.150/- in default to undergo three weeks simple imprisonment.
	Under Section 427 IPC	to pay a fine of Rs.120/- in default to undergo two weeks simple imprisonment.
A8 - Chinna Chakkarai	Under Section 148 IPC r/w Section 3(2)(va) of SC/ST (POA) Act	Sentenced to undergo three months rigorous imprisonment and to pay a fine of Rs.100/- in default to undergo two weeks simple imprisonment.
	Under Section 325 IPC r/w Section 3(2)(va) of SC/ST (POA) Act	Sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.200/- in default to undergo four weeks simple imprisonment.



Accused	Provision under which convicted	Sentence
A8 - Chinna Chakkarai	Under Section 323 IPC r/w Section 3(2)(va) of SC/ST (POA) Act	to pay a fine of Rs.100/- in default to undergo two weeks simple imprisonment.
	Under Section 427 IPC	to pay a fine of Rs.100/- in default to undergo two weeks simple imprisonment.

The Trial Court has suspended the sentence imposed on the petitioners till 25.06.2022. Challenging the above said conviction and sentence, the petitioners have preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

3. The learned counsel appearing for the petitioners submitted that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

4. The learned counsel appearing for the respondent submitted that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

5. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

6. The learned counsel appearing for the petitioners pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioners herein are entitled to the relief of grant of suspension of sentence.

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

- (i) The petitioners shall execute a bond for a sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) each



with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act, cases, Virudhunagar District at Srivilliputtur.

(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 petitioners shall appear before the concerned Court once in a month i.e., on first working day of every English calendar month at 10.30 a.m., till the disposal of the appeal.

sd/-

17/06/2022

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/ /2022

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

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

- 1 THE SESSIONS JUDGE
SPECIAL COURT FOR TRIAL OF SC/ST (POA) ACT CASES,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
SATTUR SUB DIVISION,
VEMBAKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.POLAX LEGAL SOLUTIONS, SR.No.5839

ORDER IN

CRL MP(MD) No.6727 of 2022
IN

CRL A(MD)No.380 of 2022

Date :17/06/2022

SA/PN/SAR.1/27.06.2022/5P/5C

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