



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

Thursday, the Eleventh day of August Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.7075 of 2022
IN
CRL A(MD)No.396 of 2022

JAYAKUMAR

... PETITIONER/APPELLANT

Vs

1 THE DEPUTY SUPERINTENDENT OF POLICE,
ORATHANADU SUB DIVISION,
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.116 OF 2015.

... RESPONDENT/COMPLAINANT

2 VIGNESH

... 2nd RESPONDENT

(R2 IMPEADED AS PER ORDER OF
THIS HON'BLE COURT DATED
13/07/2022 IN CRL.MP(MD)
NO.8017/2022 IN CRL A(MD)No.396
of 2022).

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 S.SC.No.179 of 2017, on the file of the I Additional District and Sessions Judge(PCR), Thanjavur dated 13.06.2022 pending disposal of the present Criminal Appeal.

PRAYER IN CRL.A(MD) .396/2022:

Pleased to admit the appeal and call for the records to set aside the order of conviction, passed by the in S.S.C.No.179 of



2017, on the file of the I Additional District and Sessions Judge (PCR), Thanjavur, dated 13.06.2022.

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.LAXMAN.K.R, Advocate for the petitioner and of Mr.K.SANJAI GANDHI, Government Advocate(crl.side) on behalf of the 1st Respondent and Mr.B.BALAMEENAKSHI, Legal Aid Counsel for the 2nd Respondent, the court made the following order:-

This petition has been filed to suspend the sentence passed in Spl.S.C.No.179 of 2017, dated 13.06.2022 on the file of the learned I Additional District and Sessions Judge (PCR), Thanajvur, till the disposal of this Criminal Appeal.

2.The case of the prosecution is that the de-facto complainant belongs to Scheduled Caste Community, that his villagers Arunkumar and Sakthivel were assaulted by one Santhosh, Ajith and Praveen on 07.03.2015 at 04.30 p.m., and they were taking treatment at Government Hospital, that the de-facto complainant and one Venkatesh, in order to see the injured had proceeded towards Hospital and and at the place near Sub Registrar Office at about 08.00 p.m., the petitioner along with Santhosh, Ajith and Praveen and 10 others had restrained them, scolded them in filthy language and they had kidnapped both the de-facto complainant and Venkatesh in their two wheeler nearby Rethna Mahal and assaulted them and that they had tried to kill them by attacking with deadly weapons, but they have escaped.

3.On the basis of the complaint lodged by the de-facto complainant, FIR came to be registered in crime No.116 of 2015 for the offences under Sections 147, 148, 341, 352, 365 and 307 IPC r/w 3(1)(r), 3(2)(v) of SC/ST (POA) Act, and that the first respondent, after completing the investigation, has laid the final report and the case was taken on file in Spl.S.C.No.179 of 2017 before the learned I Additional District and Sessions Judge (PCR), Thanajvur.

4.During the trial, the prosecution has examined 10 witnesses as P.W.1 to P.W.10 and exhibited 14 documents as Ex.P1 to Ex.P14. The defence has adduced neither oral nor documentary evidence.

5.The learned Sessions Judge, upon considering the evidence and on hearing the arguments of both sides, has passed the impugned Judgment, dated 13.06.2022 and found the petitioner guilty, convicted and sentenced him as detailed below:-



Accused	Convicted under Section	Sentence of Imprisonment/fine imposed
Jayakumar	341 IPC	Simple Imprisonment for one week and imposed a fine of Rs.500/-, in default, to undergo Simple Imprisonment for one week.
	294(b) IPC	Simple Imprisonment for one month and imposed a fine of Rs.500/-, in default, to undergo Simple Imprisonment for one week.
	365 IPC	Rigorous Imprisonment for four years and imposed a fine of Rs.10,000/-, in default, to undergo Rigorous Imprisonment for one year.
	324(2 counts) of IPC	Rigorous Imprisonment for four months each count and imposed a fine of Rs.1000/- each, in default, to undergo Rigorous Imprisonment for one month each count.
	3(1)(x) of SC/ST (POA) Act	Rigorous Imprisonment for four years and imposed a fine of Rs.5,000/-, in default, to undergo Rigorous Imprisonment for one year.

6.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.

7.The learned counsel for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

8.The learned Additional Public Prosecutor would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

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

10.The learned counsel for the petitioner 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 considered in view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

11. Accordingly, the relief of suspension of sentence 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 I Additional District and Sessions Judge (PCR) Court, Thanjavur.

(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 stay at Chengalpattu and report before the Inspector of Police, Chengalpattu Town Police Station, daily at 10.30 am for a period of one month and thereafter, shall appear before the concerned Court daily at 10.30 am 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/-

11/08/2022

/ TRUE COPY /

11/08/2022

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

TO

- 1 THE I ADDITIONAL DISTRICT & SESSIONS JUDGE (PCR),
THANJAVUR.
- 2 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.
- 3 THE DEPUTY SUPERINTENDENT OF POLICE,
ORATHANADU SUB DIVISION,
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.



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

COPY TO:

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THE INSPECTOR OF POLICE,
CHENGALPATTU TOWN POLICE STATION,
CHENGALPATTU.

+1. C.C. to M/S.LAXMAN K.R Advocate SR.No.8413

ORDER

IN

CRL MP (MD) No.7075 of 2022
IN

CRL A (MD) No.396 of 2022

Date :11/08/2022

sj i

SA/SVR/SAR.3/11.08.2022/5P/7C