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CRL MP(MD)



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

Friday, the Twenty Second day of July Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.7881 of 2022

IN

CRL A(MD) No.421 of 2022

1 MARIAPPAN
2 ESAKKIDAS
3 PONNUSAMY

... PETITIONERS/APPELLANTS

Vs

1 THE DEPUTY SUPERINTENDENT OF POLICE,
SRIVAIAKUNDAM SUB DIVISION,
THOOTHUKUDI DISTRICT.

2 THE INSPECTOR OF POLICE
ALWARTHIRUNAGARI POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.111 OF 2017.

... RESPONDENTS/RESPONDENTS

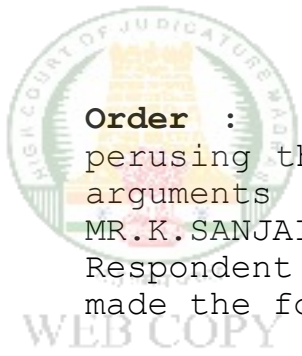
3 ESAIMANMATHAN
(R3 IMPEADED AS PER ORDER OF THIS
HONBLE COURT IN CRL.MP(MD).8079/22
IN CRL A(MD).421/22)

... 3RD RESPONDENT

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 dt.20.6.2022 made in SC.No.3 of 2020 on the file of the Learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi convicting the appellants U/s.324 of IPC r/w 3(2)(va) of SC/ST (POA) Act, to undergo rigorous imprisonment for one year and to pay a sum of Rs.3,000/- each, in default to undergo Simple Imprisonment for three months and enlarge the petitioners on bail pending disposal of the above Criminal Appeal.

Prayer in CRL A(MD)No.421 of 2022:

To call for the records relating to the impugned judgment dated 20.06.2022 made in S.C.No.3 of 2020 on the file of the Learned Sessions Judge, Special Court for Trial of Cases under SC/ST (PoA) Act, Thoothukudi convicting the appellants under Section 324 of IPC r/w 3(2) (va) of to pay a sum of Rs.3,000/- each, in default to undergo simple imprisonment for three months and set aside the conviction and sentence and allow the Criminal Appeal.



Order : This petition coming up for orders on this day, on perusing the petition filed in support thereof and upon hearing the arguments of M/S.SASIKUMAR V, Advocate for the petitioners and of MR.K.SANJAI GANDHI, Government Advocate (Crl.Side) on behalf of the Respondent Nos.1 & 2, while admitting the Criminal Appeal, the court made the following order:-

This petition has been filed to suspend the sentence passed in S.C.No.03 of 2020, dated 20.06.2022, 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 petitioners submitted that the trial Court convicted the petitioners/accused and sentenced them to undergo Rigorous Imprisonment for one year and to pay a fine of Rs.3,000/-, each, in default, to undergo three months Simple Imprisonment under Section 324 IPC r/w 3(2)(va) of SC/ST (POA) Act. 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 has raised substantial points in the memorandum of appeal, which requires a detailed consideration by this Court.

4.Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) appearing for the State. The third respondent defacto complainant is present before this Court and he has not raised any objections.

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

6.No doubt, the petitioners/A1 to A3 were granted suspension of sentence till 20.07.2022.

7.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.

8.Accordingly, the relief of suspension of sentence and bail 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 Cases under SC/ST (POA) Act, Thoothukudi.

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(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 trial Court on the first working day of every English calendar month at 10.30 a.m., until further orders and if they are not able to appear before the trial Court on any day, they 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/-

22/07/2022

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27/07/2022

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, THOOTHUKUDI DISTRICT.
 - 2 THE DEPUTY SUPERINTENDENT OF POLICE, SRIVAIKUNDAM SUB DIVISION,
THOOTHUKUDI DISTRICT.
 - 3 THE INSPECTOR OF POLICE, ALWARTHIRUNAGARI POLICE STATION,
THOOTHUKUDI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.V.SASIKUMAR, Advocate (SR-7583[I] dated 25/07/2022)

ORDER IN

CRL MP(MD) No.7881 of 2022
IN CRL A(MD) No.421 of 2022
Date :22/07/2022