



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Fourteenth day of September Two Thousand and Twenty
Two

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL.M.P. (MD) No.11021 of 2022

in

CRL.A. (MD) No.563 of 2022

1 PETCHI MUTHU

2 POONGKODI

... PETITIONERS / APPELLANTS

Vs

THE STATE REP.BY,
THE DEPUTY SUPERINTENDENT OF POLICE,
BODINAYAKANUR RURAL POLICE STATION,
THENI
(CRIME NO.165 OF 2017)

... RESPONDENT / 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 imposed by the learned Special Sessions Judge for SC/ST (POA) Cases, Theni in Spl.S.C.No. 79 of 2020, Dated. 30.08.2022 and to enlarge the petitioners/appellants on bail pending disposal of the above said Crl.A.

Prayer in CRL.A. (MD) No.563 of 2022:

To call for the records pertaining to the judgment passed by the learned Special Sessions Judge for SC/ST (POA) Act Cases, Theni in Spl.S.C.No.79 of 2020 dated 30.08.2022 and set aside the same.

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.JINNAH.S.M.A., Advocate for the petitioners and of MR.RMS.SETHURAMAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Sessions Judge, Special Court for SC/ST (Prevention of Atrocities) Act Cases, Theni, dated 30.08.2022 in Spl.S.C.No.79 of 2020 and enlarge the petitioners on bail, pending disposal of the above said Criminal Appeal.



2.The learned counsel for the petitioners submitted that the petitioners have been convicted by the learned trial judge, for the alleged offence under Section 448 of IPC and sentenced them to undergo rigorous imprisonment for a term of six months and to pay a sum of Rs.1,000/- as fine in default to undergo simple imprisonment for one month and also convicted for the alleged offence under Section 3(1)(s) of SC/ST (PoA) Act and sentenced them to undergo rigorous imprisonment for a term of three years and to pay a sum of Rs.1,000/- as fine in default to undergo simple imprisonment for three months and ordered to run the sentence concurrently in Spl.S.C.No.79 of 2020 on the file of the learned Sessions Judge, Special Court for SC/ST (Prevention of Atrocities) Act Cases, Theni.

3.It is submitted by the learned counsel for the petitioners that the sentence was already suspended by the trial Court till 29.09.2022.

4. Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the fact the petitioners are already enlarged on bail by the trial Court, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioners are directed to be enlarged on bail on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for SC/ST (Prevention of Atrocities) Act Cases, Theni and on further condition that the petitioners shall appear before the said Court once in a week at 10.30 a.m. pending appeal.

sd/-
14/09/2022

/ TRUE COPY /

15/09/2022
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 SPECIAL SESSIONS JUDGE FOR SC/ST(POA) CASES,
THENI.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
BODINAYAKANUR RURAL POLICE STATION,
THENI

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

ORDER

IN

CRL.M.P. (MD) No.11021 of 2022
in

CRL.A. (MD) No.563 of 2022

Date :14/09/2022

TM

MK/VRS/SAR.III/15.09.2022/3P/4C