



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

Thursday, the Twenty Ninth day of September Two Thousand and Twenty
Two

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PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.11740 of 2022

IN

CRL A(MD) No.596 of 2022

1 P.MURUGANANTHAM

2 KANNAN @ MAYAKKANNAN

... APPELLANTS/ACCUSED NO.1,2

Vs

1 THE DEPUTY SUPERINTENDENT OF POLICE,
MANAMADURAI CIRCLE, MANAMADURAI,
SIVAGANGAI.

(CR NO.202/2013)

... RESPONDENT/COMPLAINANT

2 INSPECTOR OF POLICE
SIPCOT POLICE STATION,
SIVAGANGAI.

3 GANASEKARAN

... 3RD RESPONDENT/DEFACTO 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 conviction and sentence imposed in Judgment passed by the Learned Special Court for Prevention of Scheduled Caste and Scheduled Tribes, Sivagangai in SC No.125/2014 dt.30.08.2022 pending disposal of the Criminal Appeal.

Prayer in CRL A(MD).596/2022 :

To admit this appeal on file and call for the records from the Lower Court and set aside the Judgment of the Lower Court passed by the Learned Special Court for Prevention of Scheduled caste and Scheduled Tribes, Sivagangai in S.C.No.125 of 2014 dated 30.08.2022 in so far as petitioner/accused no.1,2 concern, by allowing this appeal.

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.SRINIVASAN.R, Advocate for the petitioner and of MR.RMS.SETHURAMAN, Additional Public Prosecutor on behalf of the Respondent Nos.1 & 2, while admitting the Criminal Appeal, the court

made the following order:-



This Criminal Miscellaneous Petition has been filed to challenge the sentence passed in S.C.No.125 of 2014, dated 30.08.2022, on the file of the learned Special Court for Prevention of Scheduled Caste and Scheduled Tribes, Sivagangai, till the disposal of this Criminal Appeal.

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2.The case of the prosecution is that due to civil dispute, the petitioners/accused Nos.1 and 2 along with other accused abused the defacto complainant in filthy language and also gave life threat. Hence, the complaint.

3.The respondent police, after completing the investigation, has filed the final report and after committal, the case was taken on file in S.C.No.125 of 2014 on the file of the learned Special Court for Prevention of Scheduled Caste and Scheduled Tribes, Sivagangai.

4.The learned Sessions Judge, upon considering the evidences adduced and on hearing the arguments on both the sides, has passed the judgment dated 30.08.2022 convicting the petitioners/accused Nos.1 and 2 for the offences as under:-

Accused No.	Sections	Punishment	Fine	Default
1	324 IPC	1 Year rigorous imprisonment	Rs.1,000/-	Three months Rigorous imprisonment
	341 IPC	One month simple imprisonment	Rs.200/-	One week simple imprisonment
	3(1)(x) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act)	One year Rigorous Imprisonment	Rs.5,000/-	three month Rigorous imprisonment
2.	323 of IPC	3 months Rigorous imprisonment	Rs.500/-	one months Rigorous imprisonment
	341 IPC	1 month simple imprisonment	Rs.200/-	One week simple imprisonment

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.



5.The learned counsel for the petitioners would submit at there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidences of the prosecution witnesses.

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

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

8.The learned counsel 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 is entitled to the relief of grant of suspension of sentence.

9.Accordingly, the substantive sentence of imprisonment alone is suspended 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 Special Court for Prevention of Scheduled Caste and Scheduled Tribes, Sivagangai District, and on further condition that the petitioners shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the Appeal.

sd/-

29/09/2022

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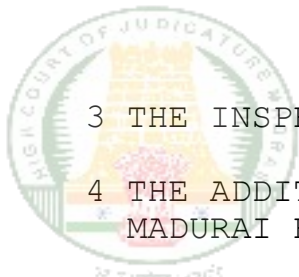
30/09/2022

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

TO

1 THE JUDGE,
SPECIAL COURT FOR PREVENTION OF SCHEDULED CASTE
AND SCHEDULED TRIBES,
SIVAGANGAI.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
MANAMADURAI CIRCLE, MANAMADURAI,
SIVAGANGAI.



3 THE INSPECTOR OF POLICE, SIPCOT POLICE STATION, SIVAGANGAI

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

+1 CC to M/s.R.SRINIVASAN, Advocate (SR-10864[I] dated 30/09/2022)

ORDER

IN

CRL MP(MD) No.11740 of 2022

IN

CRL A(MD) No.596 of 2022

Date :29/09/2022

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RS/VR/SAR.2(30.09.2022) 4P-6C