



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

Monday, the Twenty First day of November Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.14274 of 2022

IN

CRL A(MD) No.789 of 2022

VIMALKANTH

... PETITIONER/APELLANT

Vs

PAPPA

... 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 against the Petitioner in SC.No.116 of 2020 dt.28.10.2022 on the file of the Sessions Judge(FAC), Special Court for trial of Cases under SC/ST(POA)Act, Thoothukudi and enlarge the Petitioner on bail pending disposal of the above appeal.

Prayer in CRL A(MD) No.789 of 2022 :

To call for the records and set aside the judgment and sentence passed in S.C.No.116 of 2020 dated 28.10.2022 on the file of the Sessions Judge (FAC), Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi allow the 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.A.JAYARAMACHANDRAN, Advocate for the petitioner, while admitting the CRL RC., the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Sessions Judge(FAC), Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi, dated 28.10.2022 in S.C.No.116 of 2020 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.

2.The learned counsel for the petitioner submitted that the petitioner/1st accused has been convicted by the learned trial judge, for the alleged offence under Section 326 of IPC and sentenced her to undergo three years rigorous imprisonment and to pay a fine of Rs.25,000/- in default to undergo simple imprisonment for a period of 6 months and for the offence under Section 323 of IPC and imposed a fine of Rs.1,000/- in default to undergo one month simple imprisonment, in S.C.No.116 of 2020 on the file of the learned



Sessions Judge(FAC), Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi.

3.It is submitted by the learned counsel for the petitioner that the sentence was already suspended by the trial Court and also this Court suspended the sentence against the second accused by an order dated 16.11.2022 till the disposal of the Crl.A(MD).No.746 of 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 petitioner is 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 petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge(FAC), Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi.

sd/-
21/11/2022

/ TRUE COPY /

23/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE SESSIONS JUDGE (FAC),
SPECIAL COURT FOR TRIAL OF CASES UNDER SC/ST (POA) ACT,
THOOTHUKUDI.

+1 CC to M/s.A.JEYARAMACHANDRAN, Advocate (SR-13507[I] dated 23/11/2022)

ORDER
IN
CRL MP(MD) No.14274 of 2022
IN
CRL A(MD) No.789 of 2022
Date :21/11/2022

tta
RS/SSS/SAR.(23.11.2022) 2P-3C