



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

Thursday, the Eighth day of December Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.14843 of 2022
IN
CRL A(MD) No.819 of 2022

SURESH

... APPELLANT/SOLE ACCUSED

Vs

1. THE STATE REP. BY,
THE DEPUTY SUPERINTENDENT OF POLICE,
O/O. DEPUTY SUPERINTENDENT OF POLICE,
OOMATCHIKULAM DIVISION,
MADURAI DISTRICT.

... 1st RESPONDENT/
INVESTIGATION OFFICER

2. THE INSPECTOR OF POLICE
APPAN THIRUPPATHI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO. 12 OF 2020).

... 2nd RESPONDENT/COMPLAINANT

3. MUTHUPANDI

... 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 Sentence imposed on the petitioner / Appellant by the learned 3rd Additional District and Sessions Court (PCR), Madurai in Spl.S.C.No. 38 of 2020, Dated. 22.11.2022 and enlarge the petitioner on bail pending disposal of of the Crl.Appeal.

Prayer in Crl.A. (MD) No.819 of 2022 :

Pleased to call for records and set aside the Judgment and conviction dated 22.11.2022 made in Spl.S.C.No.38 of 2020 on the file of the learned 3rd Additional District & Sessions Court (PCR), Madurai and to acquit the appellant herein.

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.JEYAKARTHIK M S, Advocate for the petitioner and of MR.M.SAKTHI KUMAR, Government Advocate (Crl.Side) on behalf of the Respondents No.1&2, while admitting the Criminal Appeal, the court made the following order:-



This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Sessions Judge, III Additional District and Sessions Court, (PCR), Madurai, dated 22.11.2022, in Special S.C.No.38 of 2020 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.

WEB COPY

2.The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial judge, for the alleged offence under Section 3(1)(s) of SC/ST (POA) Act and sentenced him to undergo one year imprisonment and to pay a fine of Rs.1,000/- in default to undergo 3 months simple imprisonment and for the offence punishable under Section 324 of IPC r/w. Section 3 (2)(va) of SC/ST (POA) Act, and sentenced to undergo two years imprisonment and to pay a fine of Rs.1,000/- in default to undergo further 6 months of simple imprisonment. The sentences were ordered to run concurrently. Set off under Section 428 Cr.P.C. was also ordered.

3.The learned counsel for the petitioner submitted that the conviction and sentence of the appellant is below three years and he is entitled for suspension of sentence before the trial Court. But he has not filed any petition before the trial Court.

4.Even though the defacto complainant has been served, none appears on behalf of him. There was serious injury on the part of the defacto complainant and the matter must be heard in the main appeal.

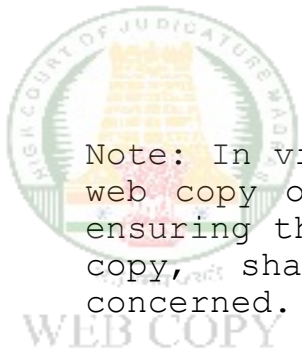
5.Considering the fact that there is no appearance on behalf of the defacto complainant and the sentences are below three years, this Court is inclined to entertain this petition.

6.Accordingly, 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, III Additional District and Sessions Court, (PCR), Madurai, and on further condition that the petitioner shall appear before the said Court once in a week at 10.30 a.m. pending appeal.

sd/-
08/12/2022

/ TRUE COPY /

08/12/2022
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 3RD ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR),
MADURAI.
2. THE DEPUTY SUPERINTENDENT OF POLICE,
O/O. DEPUTY SUPERINTENDENT OF POLICE,
OOMATCHIKULAM DIVISION, MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE
APPAN THIRUPPATHI POLICE STATION,
MADURAI DISTRICT.
4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-14570[I] dated 08/12/2022)

ORDER
IN
CRL MP(MD) No.14843 of 2022
IN
CRL A(MD) No.819 of 2022
Date :08/12/2022

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USK/VR/SAR-II/08.12.2022/3P/7C