



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

Friday, the Twenty Third day of December Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.16408 of 2022
IN
CRL A(MD) No.147 of 2020

EGAMBARAM

... PETITIONER/PETITIONER

Vs

1 State Rep.by
THE DEPUTY SUPERINTENDENT OF POLICE,
KARUR RURAL DIVISION,
KARUR DISTRICT.
(CRIME NO.171 OF 2018)
(ON THE FILE OF ARAVAKURICHI POLICE STATION)

2 SELVAM

... RESPONDENTS/RESPONDENTS

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 of Imprisonment imposed by the learned Sessions Judge, Karur in S.C.No.85 of 2018 by the judgment dated 27.01.2020 and enlarge the petitioners/appellants on bail, pending disposal of the above said criminal appeal.

Prayer in CRL A(MD).147/2020 :

To set aside the Judgment and Conviction dated 27.01.2020, by the learned Sessions Judge, Karur in S.C.No.85 of 2018 and acquit the Appellant.

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.KARUNANITHI.M, Advocate for the petitioner and of MR.B.NAMBISELVAN, Additional Public Prosecutor on behalf of the 1st Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Sessions Judge, Karur, dated 27.01.2020, in S.C.No.85 of 2018 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.



2.The learned counsel for the petitioner submitted that the accused persons have been convicted by the learned trial judge, as follows:

1.2nd accused has been convicted for the offences punishable under Section 323 IPC (3 counts) r/w 3(2) (Va) of SC/ST (POA) Act and sentenced him to undergo one year rigorous imprisonment and a fine of Rs.1,000/- for each count in default one month simple imprisonment.

2.4th accused has been convicted for the offences punishable under Section 323 IPC (3 counts) r/w 3(2) (Va) of SC/ST (POA) Act and sentenced him to undergo one year rigorous imprisonment and a fine of Rs.1,000/- for each count in default one month simple imprisonment.

3.The learned counsel for the petitioner submitted that because of the above said pandemic issue, he could not appear before the concerned Court and execute the sureties. Because of that warrant has been issued. Now he is ready to argue the matter.

4.Since it is the case registered for the offence under Section 323 IPC and special Act and no injury in this case, interim suspension is granted to the petitioner on condition that he must serve the papers upon the respondent and come prepared for arguments on 04.01.2023.

5.Accordingly, 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, Karur, 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/-

23/12/2022

/ TRUE COPY /

03/01/2023

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

TM

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 SESSIONS JUDGE, KARUR.



2 THE DEPUTY SUPERINTENDENT OF POLICE, KARUR RURAL DIVISION,
KARUR DISTRICT.

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

+1 CC to M/s.M.KARUNANITHI, Advocate (SR-15480[I] dated
23/12/2022)

ORDER
IN
CRL MP(MD) No.16408 of 2022
IN
CRL A(MD) No.147 of 2020
Date :23/12/2022

RS/SSS/SAR.(03.01.2023) 3P-5C