



*CrI.MP No.2718 of 2023 in
CrI.A.180 of 2023*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.MP No.2718 of 2023 in

CrI.A.No.180 of 2023

Pattusami

... Petitioner

Vs.

1. The State of Tamil Nadu Rep. by
Deputy Superintendent of Police,
Gingee Sub Division, Villupuram District.
Crime No.1334 of 2020

2. Vasanthi
[R2 impleaded as per the Order passed in
CrI.M.P.No.2960 of 2023, dt.01.03.2023
by VSGJ]

... Respondents

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C to suspend to suspend the sentence imposed in S.C.No.54 of 2020 on the file of the learned Sessions Judge, Special Court for Exclusive Trial Cases registered under Schedule Castes and Scheduled Tribes [Prevention of Atrocities] Act, 1989, Villupuram on 25.01.2023



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WEB COPY and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.A.P.Pasupathy

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor – R1

Notice Sent No appearance – R2

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ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in S.C.No.54 of 2020, vide judgement dated 25.01.2023, pending disposal of the Criminal Appeal.

2. The petitioner herein is the accused in the above said S.C.No.54 of 2020. The learned Sessions Judge, Special Court for Exclusive Trial Cases registered under Schedule Castes and Scheduled Tribes [Prevention of Atrocities] Act, 1989, Villupuram vide judgment dated 25.01.2023 passed in S.C.No.54 of 2020, convicted and sentenced the petitioner as extracted hereunder :



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Conviction and Sentence imposed on the petitioner :

<i>Conviction under Section</i>	<i>Sentence</i>
448 IPC	1 year simple imprisonment
354[A] IPC	1 year rigorous imprisonment
3[1][1][i] of SC/ST [POA] Amendment Act	1 year rigorous imprisonment
3[2] [va] of SC/ST [POA] Amendment Act	1 year rigours imprisonment and to pay a fine of Rs.5000/-, in default, to undergo 3 months rigorous imprisonment.

However, the Trial Court acquitted the petitioner/accused from the offence under Sections 3 [1] [r], 3[1] [s] of SC/ST (POA) Amendment Act and acquitted the petitioner/accused from the offence under Sections 3 [1] [r], 3[1] [s] of SC/ST (POA) Amendment Act.

3. Challenging the conviction and sentence slapped by the Trial Court, the petitioner is before this Court.



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4. Despite notice sent to the defacto complainant and name of the defacto complainant / second respondent printed in the cause list, there is no representation for the second respondent.

5. The learned counsel for the petitioner submitted that the prosecution witnesses have not supported the case of the prosecution and there are arguable points in this Criminal Appeal. He further submitted that already, the petitioner has paid the fine amount and hence, prayed for suspension of sentence.

6. Heard the learned counsel for petitioner and the Additional Public Prosecutor appearing for the first respondent and perused the impugned judgment and the materials on record.

7. A perusal of the records, it shows the petitioner/accused has been prosecuted for the offence under sections 448, 354[A] of IPC and Sections 3 [2] [va], 3[1] [r], 3 [1] [s] of SC/ST [POAI Act 2015 in spl. Sessions Case No.54 of 2020 and the petitioner was convicted under



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sections 448 and 354 [A] of IPC and Section 3[2] [va] of SC/ST [POA]

Act and sentenced to undergo one year simple imprisonment for the offence under section 448 of IPC and sentenced to undergo one year rigorous imprisonment for the offence under section 354 [A] of IPC and sentenced to undergo one year rigorous imprisonment and to pay a fine amount of Rs.5000/- in default to undergo rigorous imprisonment for a further period of three months for the offence under section 3 [2] [va] of SC/ST [POA] Amendment Act. The petitioner has filed the appeal on the ground that the prosecution case is not supported by the evidence of prosecution witnesses and there are arguable points in this and hence, seeks suspension of sentence.

8. Considering the submissions of the learned counsel appearing for the petitioner and that he is custody from the date of conviction, viz., 25.01.2023, I am inclined to suspend the sentence imposed on the petitioner.



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9. Accordingly, it is ordered as follows :

(i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the concerned Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner is ordered to be released on bail on her ***executing 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 Judicial Magistrate No.VI, Salem.***

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the concerned Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) The petitioner shall appear before the Trial Court as and when required.

13.03.2023

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1. The Special Judge, Special Court for Exclusive trial of Cases registered under SC/ST (POA) Act, Villupuram.
2. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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