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Crl.M.P.No.3724 of 2023 in Crl.A.No.263 of 2022



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 21.06.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE V.SIVAGNANAM**

**Crl.M.P.No.3724 of 2023**

**in**

**Crl.A.No.263 of 2022**

Anandaraman

... Petitioner

/vs/

1. State of Tamil Nadu Rep. by :  
The Deputy Superintendent of Police,  
Tindivanam Sub division,  
All Women Police Station, Tindivanam  
Villupuram District.  
Crime No.4 of 2017.

2. Suganthi  
[R2 impleaded as per Order of this Court  
d5.30.03.2023 in Crl.M.P.No.4521 of 2023  
in Crl.A.No.263 of 2023]

... Respondent

**Prayer** : Criminal Miscellaneous Petition filed under section 374[2] of Cr.P.C., to suspend the sentence imposed in Sessions Case No.31 of 2018 dated 22.02.2023 passed by the Sessions Judge, Special Court for Exclusive trial of Cases Registered under the Schedule Caste and the Schedule Tribe [Prevention of Atrocities] Act 1989, Villupuram and enlarge the petitioner on bail, pending disposal of the above appeal.



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For Petitioner ... Mr.M.Devaraj  
For Respondent ... Mr.R.Vinothraja  
Government Advocate [Criminal Side]

## ORDER

This Criminal Miscellaneous Petition has been preferred to suspend the sentence, dated 22.02.2023 imposed on the petitioner in Sessions Case No.31 of 2018 on the file of the Sessions Judge, Special Court for Exclusive trial of Cases Registered under the Schedule Caste and the Schedule Tribe [Prevention of Atrocities] Act 1989, Villupuram and enlarge the petitioner on bail, pending disposal of the above appeal.

2. The petitioner, who is the sole accused in Sessions Case No.31 of 2018 is convicted and sentenced by the trial court, by its judgment dated 22.02.2023 as follows;

| <b><i>Petitioner's Rank</i></b> | <b><i>Provision under which convicted</i></b> | <b><i>Sentence</i></b>                                                                                                 |
|---------------------------------|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| Sole                            | U/s.417 IPC                                   | To undergo SI for 1 years and pay a fine of Rs.10,000/-, in default in payment of fine, to undergo further 3 months SI |

Fine amount Rs.10,000/-. The accused is found not guilty for offences under



section 376 IPC read with Sections 3[1][r][s], 3[1][w][1], 3[2][va] of SC/ST [POA] Amendment Act 2015. The period of imprisonment already undergone by the accused, either as remand prisoner or under trial prisoner, shall be set off under section 428 of Cr.P.C. The fine amount has been paid by the accused.

3. Aggrieved over the judgment of conviction and sentence imposed on the petitioner in Sessions Case No.31 of 2018, the petitioner has filed the present criminal appeal, along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. The learned counsel for the petitioner would submit that the judgment of the trial Court is erroneous illegal, arbitrary and without appreciating the facts and evidence in its proper perspective in the light of the settled preposition of law. The trial Court failed to appreciate the oral and documentary evidence of the prosecution, which consists of so may inconsistencies, contradictions and discrepancies, which are fatal to the case of the prosecution. The learned counsel further submitted that there are arguable points in this appeal and the petitioner has every chance to succeed in this Criminal appeal. Therefore, he prayed for suspension of sentence till



the disposal of this Criminal appeal.

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5. Heard the learned counsel for the petitioner and learned Government Advocate [Criminal Side] and perused the complaint, FIR and evidence of the witnesses and other material evidence available on record.

6. On a complaint given by the defacto complainant, a case has been registered against the petitioner/accused by the All Women Police, Tindivanam Crime No.4 of 2017 for the offences under sections 417, 376 of IPC read with 3[1][r][s], 3[1][w][1], 3[2][va] of SC/ST [POA] Amendment Act 2015. The petitioner has been convicted for the offence under section 417 alone and he is found not guilty for the offences under section 376 of IPC and the offence under the the Schedule Caste and the Schedule Tribe [Prevention of Atrocities] Act. The petitioner has raised substantial grounds in the Revision which require detailed appraisal. Further, the Revision is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

7. Accordingly, the relief of suspension of sentence and bail is granted



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to the petitioner on the following conditions:

(i) The petitioner shall surrender before the Judicial Magistrate, Tindivanam, 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 executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each for a like sum, to the satisfaction of the Judicial Magistrate, Tindivanam;

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the trial Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;

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

21.06.2023

vrc

To

1. The Sessions Judge, Special Court for Exclusive trial of Cases



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Registered under the Schedule Caste and the Schedule Tribe  
[Prevention of Atrocities] Act 1989, Villupuram.

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2. The Judicial Magistrate, Tindivanam
3. The Deputy Superintendent of Police,  
Tindivanam Sub division, Tindivanam  
Villupuram District.
4. The Public Prosecutor, High Court, Madras.



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**V.SIVAGNANAM, J.**

VRC

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