



*Crl.MP No.19615 of 2022 in  
Crl.A.1297 of 2022*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 27.01.2023

CORAM:

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

**Crl.MP No.19615 of 2022 in  
Crl.A.No.1297 of 2022**

1. Balakrishnan

2. Pandiyan

... Petitioners

Vs.

1. The State: rep. by the Deputy Superintendent of Police,  
Tirukoilur Sub Division.

2. The State: rep. by the Inspector of Police,  
Moongithuraipattu Police Station,  
Villupuram,  
(Crime No.143/2019)

3. Selvakumar

... Respondents

**Prayer:** Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C to suspend the sentence imposed in S.C.No.17/2020 by the Sessions Judge, Special Court for Exclusive Trial of cases registered under SC/ST (POA) Act, 1989, Villupuram dated 30.09.2022 and to enlarge the petitioner on bail, pending disposal of the appeal.

For Petitioners

: Mr.V.Thamilavel



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For Respondents 1 and 2 : Mr.C.E.Pratap,

Government Advocate (Crl. Side)

**ORDER**

This petition has been filed to suspend the sentence imposed on the petitioners by the Trial Court in S.C.No.17/2020, vide judgement dated 30.09.2022, pending disposal of the Criminal Appeal.

2. The petitioners herein are A1 and A2 in the above said S.C.No.17/2020. The learned the Sessions Judge, Special Court for Exclusive Trial of cases registered under SC/ST (POA) Act, 1989, Villupuram, vide judgment dated 30.09.2022 passed in S.C.No.17/2020, convicted and sentenced the petitioners, as extracted hereunder.

**Conviction and sentence imposed on the first petitioner**

| <b>Conviction<br/>under Section</b> | <b>Sentence</b>                                                                                                  |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------|
| Sec.448 IPC                         | 1 year simple imprisonment                                                                                       |
| Sec.506(ii) IPC                     | 1 year simple imprisonment                                                                                       |
| Sec.3(2)(va) of<br>SC/ST POA Act    | 1 year simple imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 6 months simple imprisonment. |

**Conviction and sentence imposed on the second petitioner**



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| <b>Conviction<br/>under Section</b> | <b>Sentence</b>                                                                                                       |
|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| Sec.448 IPC                         | 1 year simple imprisonment                                                                                            |
| Sec.506(ii) IPC                     | 1 year simple imprisonment                                                                                            |
| Sec.3(1)(r) of<br>SC/ST POA Act     | 3 years Rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 6 months Rigorous imprisonment. |
| Sec.3(2)(va) of<br>SC/ST (POA) Act  | 1 year simple imprisonment and to pay fine of Rs.1,000/-, in default, to undergo 6 months simple imprisonment.        |

However, the Trial Court acquitted the first petitioner/A1 from the offences under Section 353 IPC and 3(1)(s) of SC/ST (POA) Act and Section 3(1)(r) of SC/ST (POA) Act; and acquitted the second petitioner/A2 from the offences under Sections 353 IPC and Section 3(1)(s) of SC/ST (POA) Act.

3. Challenging the conviction and sentence slapped by the Trial Court, the petitioners are before this Court.

4. The learned counsel for the petitioners submitted that there are arguable points in this Criminal Appeal. He further submitted that already, the petitioners have paid the fine amount and hence, prayed for suspension of sentence.

5. Heard the learned Government Advocate(Crl. side) appearing for the



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respondent and perused the impugned judgment and the materials on record.

6. Taking into consideration of the above submission of the learned counsel appearing on both sides, this Court finds that the petitioners have substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioners shall surrender before the Trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioners are ordered to be released on bail on their *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 Sessions Judge, Special Court for Exclusive Trial of Cases registered under SC/ST (POA) Act, Villupuram.*

(ii) The petitioners and the sureties shall affix their photographs and



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Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

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

**27.01.2023**

**(1/2)**

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**To**

- 1.The Sessions 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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**27.01.2023  
(1/2)**