



CRL MP(MD) No.10516 of 2023

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

Thursday, the Thirty First day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH
and
The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL MP(MD) No.10516 of 2023
IN
CRL A(MD) No.579 of 2022

1. RAMESH @ SURESH
2. AANDAVAN
3. GUNASEKARAN
4. DHARMAR @ DHARMARAJ

... PETITIONERS/PETITIONERS/
APPELLANTS NO.1 TO 4

Vs

1. THE DEPUTY SUPERINTENDENT OF POLICE,
THIRPPATHUR,
SIVAGANGAI DISTRICT.

2. THE INSPECTOR OF POLICE,
SINGAMPUNARI POLICE STATION,
SIVAGANGAI DISTRICT.

... RESPONDENTS/RESPONDENTS/
COMPLAINANT

3. RAMU

... RESPONDENT/RESPONDENT/
DEFACTO COMPLAINANT

4. PORUTSELVI

... RESPONDENT/RESPONDENT/VICTIM



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Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to relax the condition imposed in Crl.M.P.(MD)No.11418 of 2022 in Crl.A.(MD)No.579 of 2022 dated on 18.11.2022 by this Hon'ble Court and thus render justice.

PRAYER in Crl.A.(MD) No.579 of 2022 :

Pleased to admit this appeal and to call for the records relating to Judgment dated 07.09.2022 in S.C.No.143 of 2009 on the file of the Special Court for Exclusive Trial of Cases under SC/ST (POD) Act, 1989, Sivagangai and to set aside the conviction and sentence, allow the appeal by acquitting the appellants.

PRAYER IN CRL.MP(MD).11418/2022:

Pleased to suspend the execution of sentence passed in SC No.143/2009 dated.07/09/2022 on the file of the Hon'ble Special Court for Exclusive Trial of Cases under SC/ST(POD) Act, 1989, Sivagangai and enlarge the petitioners on the bail pending disposal of the above Crl.A.No. Of 2022.

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 THIRUPATHY.S, Advocate for the petitioner and of Mr.RMS.SETHURAMAN, Additional Public Prosecutor on behalf of the Respondents No.1 & 2, the court made the following order:-

[Order of the Court was made by M.S.RAMESH, J.]

This petition has been filed seeking for relaxation of the condition imposed by the co-ordinate Bench of this Court in Crl.M.P.(MD).No.11418 of 2022 in Crl.A.(MD). No.579 of 2022 dated 18.11.2022.

2. One of the conditions imposed therein, which the petitioners seek for relaxation, reads as follows:

“(iii) The petitioners shall appear before the respondent police every



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Monday at 10.30 a.m., for a period of 8 weeks. After completion of the period reporting before the respondent police, the petitioners shall report before the Special Court for Exclusive Trial of cases under SC/ST(POD) Act, 1989, Sivagangai, once in fortnight at 10.30 a.m. until the disposal of the appeal and if they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.”

3. Notice has been duly served on the fourth respondent. However, none appears on her behalf. It is brought to the notice of this Court that the third respondent had expired.

4. The learned Additional Public Prosecutor, on instructions, submitted that the conditions imposed by this Court in Crl.M.P.(MD).No.11418 of 2022 in Crl.A.(MD).No.579 of 2022 dated 18.11.2022 are being complied with by the petitioners and after reporting before the respondent police every Monday at 10.30 a.m. for a period of eight weeks, the petitioners have been reporting before the Trial Court once in a fortnight.

5. Taking into consideration of the compliance of the conditions imposed by the co-ordinate Bench of this Court in the suspension of sentence application, we are



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inclined to modify the condition No.(iii). Accordingly, this petition is allowed and the condition No.(iii) in CrI.M.P.(MD).No.11418 of 2022 in CrI.A.(MD).No.579 of 2022 vide order dated 18.11.2022 is modified as follows:

“The petitioners shall appear before the Special Court for Exclusive Trial of cases under SC/ST (POD) Act, 1989, Sivagangai, once in a month on the first working day of every English Calender month at 10.30 a.m. until the disposal of the appeal and if they are not able to appear before the said Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of their absence, as directed by the Trial Court.”

sd/-
31/08/2023

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/09/2023

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

LM
TO

1. THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF
CASES UNDER SC/ST(POD) ACT, 1989,
SIVAGANGAI.

2. THE DEPUTY SUPERINTENDENT OF POLICE,
THIRPPATHUR, SIVAGANGAI DISTRICT.



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3. THE INSPECTOR OF POLICE,
SINGAMPUNARI POLICE STATION,
SIVAGANGAI DISTRICT.

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

ORDER
IN
CRL MP(MD) No.10516 of 2023
IN
CRL A(MD) No.579 of 2022
Date :31/08/2023

SA/JGB/SAR. /05.09.2023/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.