



CRL MP(MD) No.12699 of 2023

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

Tuesday, the Fifth day of September Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL MP(MD) No.12699 of 2023

in

CRL A(MD) No.134 of 2023

SUBRAMANIAN

... Appellant / Accused No.1

Vs

THE DEPUTY SUPERINTENDENT OF POLICE,
O/O THE DEPUTY SUPERINTENDENT OF POLICE,
SANTHANKULAM,
THOOTHUKUDI DISTRICT.
(CRIME NO. 204 OF 2014)

... Respondents / Complainant

Criminal Miscellaneous 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 imposed by the Learned Special court for SC/ST (Prevention of Atrocities Act), Thoothukudi in S.C No. 25 of 2020 dated 25.01.2023 and to enlarge the petitioner / Appellant on bail pending disposal of the above said criminal appeal.

Prayer in CRL A(MD) No.134 of 2023:

To call for the records pertaining to the judgment in S.C.No.25 of 2020 the file of Learned Special Court for SC/ST (Prevention of Atrocities Act), Thoothukudi vide judgment dated 25.01.2023 and set aside the same.

Order : This criminal miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments



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of M/s.PRABHA.S, Advocate for the petitioner and of Mr.M.MUTHUMANIKKAM, Government Advocate (Crl. side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed in S.C.No.25 of 2020, dated 25.01.2023, on the file of the learned Special Court for SC/ST (Prevention of Atrocities) Act Cases, Thoothukudi and enlarge the petitioner on bail.

2. According to the prosecution, the accused said to have demanded some contribution from P.W.2, which was refused. Therefore, all the accused caused incriminating cut injuries on P.W.2. Therefore, he made a complaint before the respondent police, which was registered in Crime No.204 of 2014. After completion of investigation, the investigating officer filed a final report before the jurisdictional Court.

3. The learned trial Judge, after considering the evidence, convicted the accused for the offences punishable under Section 307 r/w 34 of IPC and sentenced to undergo 7 years of rigorous imprisonment and to pay a fine of Rs.10,000/- in default to undergo 6 months of simple imprisonment, by passing impugned judgment. Challenging the same, the petitioner/accused No.1, has filed this petition.

4. In view of the specific overt act attributed against the appellant and also considering his previous antecedents, this Court is not inclined to suspend the



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sentence of imprisonment.

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5. Accordingly, this Criminal Miscellaneous Petition stands dismissed.

sd/-
05/09/2023

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/02/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SBN

To

1.The Sessions Judge,
Special Court for SC/ST (Prevention of Atrocities Act),
Thoothukudi.

2.The Deputy Superintendent of Police,
O/O.The Deputy Superintendent of Police,
Santhankulam,
Thoothukudi District.

3.The Superintendent,
Central Jail, Palayamkottai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL MP(MD) No.12699 of 2023
in
CRL A(MD) No.134 of 2023
Date :05/09/2023



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ED/JGB /SAR- (20/02/2024) 4P / 5C

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