



Crl.MP.No.1334/2024 in Crl.A.No.121/2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.09.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.MP.No.1334 of 2024 in Crl.A.No.121 of 2024

1. Sakthivel

2. Jayabharathi

3. Kanagavalli

.. Petitioners

Versus

1. The State by
The Deputy Superintendent of Police,
Thirunavalur Police Station,
Ulundurpet Sub Division,
Crime No.425/2019

2. Dinesh

.. Respondents

Prayer:-Criminal Miscellaneous Petition filed under Section 389[1] of Cr.P.C., to suspend the sentence awarded to the petitioners in judgment

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dated 29.12.2023 made in S.C.No.38 of 2021 by the learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under the scheduled castes and the Scheduled Tribes(prevention of Atrocities) Act, 1989, Villupuram, during the pendency of the appeal and enlarge the petitioners on bail.

For Petitioner : Mr.C. Munusamy

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor

ORDER

[Order of the Court is made by S.M.SUBRAMANIAM, J.]

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner vide judgement dated 29.12.2023 in S.C.No.38 of 2021 by the Sessions Judge, Special Court for Exclusive Trial of Cases registered under the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act, 1989, Villupuram and enlarge the petitioner on bail, pending disposal of the appeal.



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2. The trial Court, by a judgment dated 29.12.2023, acquitted A1, from the offences under Sections 323, 506(ii) & 307 IPC and acquitted A2 from the offences under Sections 323, 342, 506(ii), & 307 of IPC and acquitted A3 from the offence under Section 323 of IPC and convicted the petitioners/accused Nos.1,2, & 4 and sentenced them as under:

Rank of the accused	Conviction under Section	Sentence
A1, A2 & A4	294(b) of IPC	Simple imprisonment for three months.
A1	326 IPC	Rigorous imprisonment for 10 years and to pay a fine of Rs.5,000/-, in default, to undergo Rigorous imprisonment for three years.
A1, A2 & A4	3(1)(r) of SC/ST(POA) Amendment Act	Simple imprisonment for one year and also to pay fine of Rs.1,000/- , in default, to undergo simple imprisonment for three months
A1, A2 & A4	3(1)(s) of SC/ST(POA) Amendment Act	Simple imprisonment for one year and also to pay fine of Rs.1,000/- , in default, to undergo simple imprisonment for three months
A1	3(2)(v) of SC/ST(POA) Amendment Act	Rigorous imprisonment for life and also to pay fine of Rs.5,000/- , in default, to undergo rigorous imprisonment for three years.



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3. Challenging the above said conviction and sentence, the present appeal has been filed along with this petition for suspension of sentence.

4. We have gone through the deposition and the evidences and the connected documents. On a careful perusal of the documents, we could able to arrive a decision that except A1-Sakthivel, others may be granted with the suspension of sentence. Regarding A1-Sakthivel, he has not made any prima facie case for the purpose of granting suspension of sentence. Thus the petition against A1-Sakthivel, S/o. Muniyan stands dismissed. In respect of other petitioners 2 & 3/A2 & A4, suspension of sentence is granted.

5. Considering the facts and circumstances of the case and also the fact that there are arguable points involved in this appeal, we are inclined to grant suspension of sentence to the petitioners 2 and 3/A2 & A4.

6. Accordingly, the relief of suspension of sentence is **dismissed in respect of the first petitioner, Sakthivel(A1)** and granted to the **petitioners 2 & 3, viz., Sakthivel(A2), Kanagavalli(A4)** on the following



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conditions:

(i) The substantive sentence of imprisonment alone is suspended and the petitioners 2 & 3 are directed to be enlarged on bail on condition that the petitioner *shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each along 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 Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity.

(iii) the petitioners shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal .

7. List the criminal appeal after two weeks.

[S.M.S., J.] [V.S.G., J.]
10.09.2024

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**S.M.SUBRAMANIAM, J.
and
V.SIVAGNANAM, J.**

mrp

To

1. The Sessions Judge,
Special Court for Exclusive Trial of Cases,
Villupuram,
2. The Deputy Superintendent of Police,
Thirunavalur Police Station,
Ulundurpet Sub Division.
3. The Superintendent of Prison,
Central Prison, Cuddalore.
4. The Public Prosecutor,
Madras High Court,
Chennai – 600 104.

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