



Crl.M.P.No.1782 of 2024 in Crl.A.No.145 of 2024

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M.DHANDAPANI, J.

This Criminal Miscellaneous Petition is filed seeking to suspend the sentence passed in judgment in Special Sessions Case No.11 of 2021 dated 04.01.2024 passed by Principal Sessions Judge, Tiruppur.

2. The petitioners/appellants, who are A1 to A5 in Spl.S.C.No.11 of 2021 were convicted by the trial court vide judgment dated 04.01.2024. The petitioners 1 to 3/A1 to A3 were convicted for the offences u/s 147 and 294(b) of IPC and was sentenced to pay a fine of Rs.1,000/- each in default to undergo further simple imprisonment for one month each. Further, the petitioners 1 to 3 were convicted for the offences u/s 324 of IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Amendment Act, 2015 and was sentenced to undergo simple imprisonment of 6 months and to pay a fine of Rs.1,000/- each, in default, to undergo further simple imprisonment for 1 month. The petitioners 4 and 5/A4 and A5 were convicted for the offences u/s 147, 323 of IPC and Section 3(2)(va) of SC/ST (POA) Amendment Act, 2015 and was sentenced to pay a fine of Rs.1,000/- each, in default to undergo further simple imprisonment for 1



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month. Further, the petitioners 4 and 5 were convicted for the offence u/s 3(1)(r) of SC/ST (POA) Amendment Act, 2015 and was sentenced to undergo 6 months simple imprisonment each and to pay a fine of Rs.1,000/- each, in default to undergo further simple imprisonment for 1 month each. Aggrieved by the same, the petitioners have filed the above appeal along with this petition seeking suspension of sentence.

3. The learned counsel appearing for the petitioners/appellants submitted that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. He further submitted that apprehending arrest the present petition for suspension of sentence is filed and the petitioners are not in jail.

4. Heard the learned counsel on both sides.

5. Having regard to the fact that there are arguable points involved in the criminal appeal and further, the appeal is not likely to be taken up for final hearing in the near future, I am of the considered opinion that the petitioners are entitled for the relief of suspension of sentence.



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6. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are directed to appear before the trial court and each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Principal Sessions Judge, Tiruppur and on further condition that the petitioners shall appear before the trial Court at 10.30 a.m. on the first working day of every English Calendar month, pending appeal.

7. Further, it is made clear that, if the petitioners indulge in similar offence in the future, the suspension of substantive sentence alone granted today will automatically stand dismissed without any further reference to this Court.

8. Accordingly, this Criminal Miscellaneous Petition is ordered.

9. Post the main Criminal Appeal as per seriatum.

19.06.2024

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To

- 1.The Principal Sessions Judge, Tiruppur.
- 2.The Public Prosecutor, Madras High Court, Chennai.

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