



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.M.P.No.6219 of 2024

in

Crl.A.No.404 of 2024

1. Manikandan
2. Nandhan @ Nandhagopal ... petitioners

-Vs-

1. The State,
Represented by The Deputy Superintendent of Police
Thirukoilur Sub Division,
New Kallakurichi District.

2. The Inspector of Police,
Arakandanallur Police Station,
Villupuram District.
Crime No.376 of 2018.

3. K.Kanniyiram ... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389 (1) of the Code of Criminal Procedure, to suspend the sentence imposed on the petitioners in Spl.S.C.No.06 of 2020 on the file of the learned Sessions Judge, Villupuram Special Court for Exclusive Trial Cases registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 dated 29.02.2024 and enlarge the petitioners on bail pending disposal of the criminal appeal.

For petitioners : Mr.R.Sankarasubbu



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For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The criminal miscellaneous petition has been filed by the petitioners / accused as against the judgment and sentence passed by the learned Sessions Judge, Villupuram Special Court for Exclusive Trial Cases registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in Spl.S.C.No.06 of 2020 dated 29.02.2024 and convicted the petitioner under Sections 304 (ii) IPC, 135(1)(a) IE Act, 3(2)(v) SC/ST (POA) Amendment Act, 2015. A1 and A2 found guilty for commission of offence under Section 304 (ii) of IPC and are convicted and sentenced to undergo rigorous imprisonment for seven years; under Section 135(1)(a) of the Electricity Act, 2003 and are convicted and sentenced to undergo rigorous imprisonment for three years; under Section 3(2)(v) of SC/ST (POA) Amendment Act and they are acquitted under Section 235(1) of Cr.P.C. The period of imprisonment undergone by the petitioners / accused either as remand prisoner or under trial prisoner shall be set off under Section 428 Cr.P.C. The above said sentences shall run concurrently. Challenging the same, the petitioners /



accused has filed the criminal appeal and the present miscellaneous petition seeking suspension of sentence.

2. The learned counsel for the petitioners / accused submitted that the petitioners are ready to deposit a sum of Rs.10,00,000/- in the name of the victim in Spl.S.C.No.06 of 2020 on the file of the learned Sessions Judge, Villupuram Special Court for Exclusive Trial Cases registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 within a stipulated time as fixed by this Court. Hence, this Court may suspend the sentence.

3. In the facts and circumstances of the case, the criminal miscellaneous petition is ordered and the punishment of imprisonment imposed as against the petitioners is hereby suspended and the petitioners / accused are directed to be released on bail on the following conditions:

a) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the satisfaction of the learned Sessions Judge, Villupuram Special Court for Exclusive Trial Cases registered under the Scheduled Castes and Scheduled Tribes (Prevention



of Atrocities) Act, 1989 along with two sureties for a like sum;

b) the petitioners shall report before the Court below on the first working day of every month at 10.30AM, pending disposal of the appeal.

c) The petitioners are directed to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) jointly in the name of the victim in Spl.S.C.No.06 of 2020 on the file of the learned Sessions Judge, Villupuram Special Court for Exclusive Trial Cases registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 within a period of four weeks from today.

d) If the petitioners fail to deposit the amount and execute the bail bond as stipulated in Clause (a) and (c), the order of interim suspension of sentence shall stand cancelled automatically without reference to this Court and the learned Sessions Judge, shall immediately issue non-bailable warrant and secure the petitioners to serve the sentence imposed against the petitioners.

30.04.2024

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Note: Issue order copy on 30.04.2024



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To

1. The State,
Represented by The Deputy Superintendent of Police
Thirukoilur Sub Division,
New Kallakurichi District.
2. The Inspector of Police,
Arakandanallur Police Station,
Villupuram District.
Crime No.376 of 2018.
3. The learned Sessions Judge of Special Court
under Section SC & ST Act, Villupuram.
3. The Superintendent,
Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras,
Madras.



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M.DHANDAPANI, J.

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