



Crl.M.P.Nos.14619 & 14622 of 2024
in Crl.R.C.No.1779 of 2024

Crl.M.P.Nos.14619 & 14622 of 2024
in
Crl.R.C.No.1779 of 2024

SUNDER MOHAN, J.

These Criminal Miscellaneous Petitions have been filed by the petitioner, seeking to suspend the sentence imposed on the petitioner/accused in Crl.A.No.43 of 2022 dated 23.05.2024 by the learned Sessions Judge, Special Court for trial of cases registered under SC/ST(prevision of Atrocities) Act, Namakkal confirming the judgment dated 21.04.2022 in S.T.C.No.1077 of 2013 passed by the learned Judicial Magistrate, Rasipuram, Namakkal and enlarge the petitioner on bail pending disposal of the above revision and to exempt the petitioner from surrendering before the Trial court, pending disposal of the above revision.

2.It is the case of the respondent that there was a boundary dispute between the respondent and his cousin brother Soundararajan; that the respondent's father filed a suit against his brother Palaniappan in



Crl.M.P.Nos.14619 & 14622 of 2024
in Crl.R.C.No.1779 of 2024

O.S.No.174 of 1991 and that a decree was passed in favour of the respondent's father; that ever since then, the said Soundararajan had a grudge against the respondent he lodged a complaint which was investigated by the petitioner; that the petitioner on 06.12.2008 at about 9.00 a.m., abused the respondent in filthy language and attacked him with Lathi and on the threat of foisting a false case extorted a sum of Rs.5,500/-.

3.The petitioner was convicted by the trial Court and sentenced to undergo three months simple imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three weeks simple imprisonment for the offence under Section 294(b) IPC, to undergo one year simple imprisonment and to pay a fine of Rs.1,000/-, in default to undergo three months simple imprisonment for the offence under Section 323 IPC and to under one year simple imprisonment and to pay a fine of Rs.1,000/-, in default to undergo three months simple imprisonment for the offence under Section 385 IPC. On appeal, the said conviction and sentence was confirmed by the lower Appellate Court.



Crl.M.P.Nos.14619 & 14622 of 2024
in Crl.R.C.No.1779 of 2024

WEB COPY

4.The learned counsel for the petitioner would submit that the respondent and the petitioner and the complainant who lodged the complaint before him are closely related to each other; that a false complaint has been lodged 70 days after the alleged occurrence; that the allegations have been made to harass the petitioner and that there are several arguable points in the above revision which requires consideration. He would further submit that since the petitioner is aged about 64 years, he may be exempted from surrendering and the sentence may be suspended.

5.The learned counsel the respondent would submit that the respondent had established his case beyond reasonable doubt; that the Courts below had rightly convicted the petitioner; that the petitioner had previous antecedents, he has been convicted in another case and therefore, the sentence may not be suspended.

6.Taking into consideration the submissions made by the learned counsel for the petitioner that there are several arguable points; that there is a delay of 70 days in filing the complaint; that the petitioner is aged 64 years



Crl.M.P.Nos.14619 & 14622 of 2024
in Crl.R.C.No.1779 of 2024

and that the revision is not likely to be taken in near future, this Court is inclined to suspend the sentence and exempt the petitioner from surrendering before the Trial Court on the following conditions till the disposal of the criminal revision case.

(i)The petitioner 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 Judicial Magistrate, Rasipuram;

(ii)The petitioner 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 petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the revision and if he is not able to appear before the trial Court on any day, he 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 his



Crl.M.P.Nos.14619 & 14622 of 2024
in Crl.R.C.No.1779 of 2024

absence, as directed by the trial Court; and

WEB COPY

6.In the result, the criminal miscellaneous petitions are ordered.

25.11.2024
(2/2)

cse



WEB COPY



Crl.M.P.Nos.14619 & 14622 of 2024
in Crl.R.C.No.1779 of 2024

SUNDER MOHAN, J.

cse

Crl.M.P.Nos.14619 & 14622 of 2024
in Crl.R.C.No.1779 of 2024

25.11.2024
(2/2)