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*Crl.M.P.No.16111 of 2024
in Crl.A.No.1419 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.16111 of 2024
in Crl.A.No.1419 of 2024

1.Sivarajan @ Raja
2.Adimoolam
3.Tamilmani

...

Petitioners/A.4 to A.6

Vs.

1.The State by
The Deputy Superintendent of Police
Virudhachalam Sub Division,
Cuddalore District.

2.The Inspector of Police
Virudhachalam Police Station,
Cuddalore District.
(Crime No.35/2016.

3.Mariyappan

... Respondents / Complainants

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430 of BNSS Act praying to suspend the sentence imposed on them by the Learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Cuddalore made in S.C.No.83 of 2019 by its Judgment dated 24.10.2024 and enlarge the petitioners on bail, pending disposal of the above Criminal Appeal.



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For Petitioner : Mr.K.Balu
For Respondents 1 & 2 : Dr.C.E Pratap,
Govt. Advocate (Crl.side)
For Respondent No.3 : Mr.A.Jayadevan

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioners by the learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Cuddalore in S.C.No.83/2019 by its Judgment dated 24.10.2024 and enlarge the petitioners on bail, pending disposal of the above Criminal Appeal.

2. The case of the prosecution is that on 17.01.2016, at about 9.00 p.m., during a village festival, the petitioners and other accused had abused the witness in filthy language and also humiliated them for their caste and had attacked the witness with hands.

3. The petitioners/accused in S.C.No.83 of 2019 were convicted by the Trial Court by judgment dated 24.10.2024 under 3(1) (x) of SC/ST (POA) Act



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and sentenced to undergo rigorous imprisonment for 1 year and to pay a fine of Rs.1,000/- each and in default of payment of fine thereof, to undergo further period of three months of simple imprisonment and convicted the appellants 2 & 3 (A.5 & A.6) and sentenced under Section 323 IPC to undergo rigorous imprisonment for 3 months and to pay a fine of Rs.500/- and in default of payment of fine, simple imprisonment for one month. Aggrieved by the same, the petitioners/accused filed Crl.A.No.1419 of 2024 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel for the petitioner would submit that the petitioners were not named in the FIR and that there are substantial grounds in the appeal which requires consideration and that the Trial Court had suspended the sentence imposed on the petitioners.

5. Heard the learned Government Advocate (crl.side) for the respondent and the learned counsel for the third respondent who would oppose for grant of suspension of sentence to the petitioners.



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6. Considering the fact that the petitioners have raised substantial grounds in the above appeal which requires consideration and the fact that the trial court had suspended the sentence, this court is inclined to grant the relief of suspension of sentence to the petitioners.

7. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioners is suspended and the petitioners are ordered to be released on bail on the following conditions:

- (i) The petitioners shall execute a bond for a sum of Rs.10,000/- each, 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 the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Cuddalore ;
- (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; and
- (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



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the appeal and if they are not able to appear before the trial Court on any day, they 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 their absence, as directed by the trial Court.

28.11.2024

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To

1.The Sessions Judge,
Special Court for Exclusive Trial of Cases
under the SC and ST (PoA) Act,
Cuddalore.

2.The Deputy Superintendent of Police
Virudhachalam Sub Division,
Cuddalore District.

3.The Inspector of Police
Virudhachalam Police Station,
Cuddalore District.

4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

rgt

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(2/2)