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Crl.M.P.No.16215 of 2024 in Crl.A.No.1436 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.16215 of 2024
in Crl.A.No.1436 of 2024

Arasumani ... Petitioner/A2

Vs.

1. State by,
Deputy Superintendent of Police,
Villupuram Sub Division, Villupuram.

2. State by,
Sub Inspector of Police,
Periathachur Police Station,
Villupuram. ... Respondents 1 & 2/Complainant

3. Divyabharathi ... 3rd Respondent/ Defacto complainant

PRAYER: Criminal Miscellaneous Petition filed under Section 430 (3) of BNSS / 389(3) of Cr.P.C., to suspend the sentence of imprisonment imposed on the petitioner in Spl.S.C.No.79 of 2023 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/St (POA) Act, Villupuram, vide judgment dated 29.10.2024 and enlarge the petitioner on bail, pending disposal of the appeal.

For Petitioner : Mr.A.Nagarajan

For Respondents : Dr.C.E.Pratap (for R1 & R2)



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Government Advocate (Crl. Side)
Mr.K.Sathyaraj (for R3)

ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner/A2 by judgment dated 29.10.2024 passed in Spl.S.C.No.79 of 2023 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/St (POA) Act, Villupuram, and to enlarge the petitioner on bail pending disposal of the appeal.

2. It is the case of the prosecution that the appellant is the father-in-law of the *defacto complainant*; that the *defacto complainant* belongs to Scheduled Caste Community; that the son of the appellant married the *defacto complainant* after a love affair and thereafter, difference of opinion arose between A1 and the *defacto complainant*; that on 15.12.2022 at about 8.00 a.m., when the *defacto complainant* along with the relatives went to the appellant's house, to resolve the issues, the appellant and the other accused are said to have abused the *defacto complainant* and humiliated her and slapped her.



3. The trial Court acquitted all the other accused and convicted and sentenced the appellant/A2, as follows:

Offence under Section	Sentence imposed
294 (b) of the IPC	To under SI for three months.
352 of the IPC	To under SI for three months.
4 of TNPHW Act	To undergo RI for three years and to pay a fine of Rs.10,000/- in default to undergo RI for six months.
3(1)(r) of SC/ST (POA) Amendment Act	To undergo RI for three years and to pay a fine of Rs.2,50,000/- in default to undergo RI for six months
3(1)(s) of SC/ST (POA) Amendment Act	To undergo RI for three years and to pay a fine of Rs.2,50,000/- in default to undergo RI for six months
Sentences were ordered to run concurrently.	

4. Heard A.Nagarajan, learned counsel for the petitioner; Dr.C.E.Pratap, learned Government Advocate (Crl.Side) appearing for the 1st respondent/State and Mr.K.Sathyaraj, learned counsel for the 2nd respondent/victim.

5. The learned counsel appearing for the petitioner would submit that there are several arguable points in the above appeal; that the family dispute has been projected as an offence; and that the sentence of



imprisonment has been suspended by the trial Court till 29.11.2024; and hence, prayed for grant of suspension of sentence to the petitioner.

6. The learned Government Advocate (Crl. Side) *per contra* submitted that the trial Court has established the case beyond reasonable doubt and the trial Court has rightly convicted the petitioner and hence, prayed for dismissal of the petition for grant of suspension of sentence.

7. The learned counsel appearing for the victim/2nd respondent, would submit that the judgment of the trial Court is in accordance with law and that the petitioner has not made out any ground for suspension of sentence.

8. I have considered the rival submissions and perused the documents.

9. Considering the fact that there are several arguable points in the above appeal, which require consideration; the fact that the appeal is not likely to be taken up in the near future and also the fact that the sentence of imprisonment has been suspended by the trial Court till 29.11.2024,



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this Court is inclined to grant the relief of suspension of sentence to the petitioner/A2.

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10. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner/A2 is suspended on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/- , with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Villupuram;
- (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; and
- (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 appeal 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 absence, as directed by the trial Court.

26.11.2024

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Issue order copy by 27.11.2024

Upload the order copy forthwith.



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To

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1. The Sessions Judge,
Special Court for Exclusive Trial of Cases under SC/ST (POA) Act,
Villupuram

2. The Deputy Superintendent of Police,
Villupuram Sub Division,
Villupuram.

3. The Sub Inspector of Police,
Periathachur Police Station,
Villupuram.

4. The Public Prosecutor,
High Court, Madras



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SUNDER MOHAN, J.

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26.11.2024