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*Crl.M.P.No.17230 of 2024
in Crl.A.No.1520 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.17230 of 2024

in

Crl.A.No.1520 of 2024

1.Sindhuli @ Anand
2.Vetrivel
3.Eali @ Ramprakash

... Petitioners /Accused 1 to 3

Vs.

1.The State Rep. by
Deputy Superintendent of Police,
Vriddhachalam Sub-Division,
Vriddhachalam Police Station,
Cuddalore District.
Crime No.35 of 2016.

2.The State Rep by
The Inspector of Police,
Vriddhachalam Police Station,
Vriddhachalam,
Cuddalore – District.

3.Marriyappan

... Respondents

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430(1) of BNSS praying to suspend the sentence imposed on the petitioners by the judgment dated 24.10.2024 passed in S.C.No.83 of 2019 on the file of Special Court for Trial of Cases under SC/ST (POA) Act, Cuddalore, pending disposal of the above criminal appeal and enlarge the petitioners on bail.



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For Petitioners : Mr.T.Meganathan
For Respondents-1 & 2 : Dr.C.E.Pratap
Government Advocate (Crl. Side)
For Respondent-3 : Ms.S.Sridevi, Legal Aid Counsel

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioners by the judgment dated 24.10.2024 passed in S.C.No.83 of 2019 on the file of Special Court for Trial of Cases under SC/ST (POA) Act, Cuddalore, pending disposal of the above criminal appeal and enlarge the petitioners on bail.

2. The case of the prosecution is that the petitioners had abused the witnesses, who were celebrating a festival and conducting cultural programme stating that there was no need for them to conduct such festivals and humiliated them because of their caste and thereafter attacked them with hands.

3. The petitioners/accused 1 to 3 in S.C.No.83 of 2019 was convicted by the Trial Court by judgment dated 24.10.2024 for the offences under Sections



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3(1)(x) of SC/ST (POA) Act, 1989 and 323 of I.P.C. and sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for three months for offence under 3(1)(x) of SC/ST (POA) Act, 1989 and for the offence under Section 323 of I.P.C., sentenced to undergo three months rigorous imprisonment and to pay a fine of Rs.500/-, in default, to undergo one month simple imprisonment. Aggrieved by the same, he filed Crl.A.No.1520 of 2024 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

4.The learned counsel for petitioners would submit that there are several arguable points in the above appeal, which requires consideration; that the sentence of the petitioners has been suspended for a period of one month and that since the appeal is not likely to be taken up in the near future, the sentence of imprisonment may be suspended.

5.Though the third respondent/victim was served, none had entered appearance. Hence, this Court appointed Ms.S.Sridevi as Legal Aid Counsel for the third respondent.



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6. Heard the learned Government Advocate and the learned Legal Aid Counsel for third respondent.

7. Considering the sentence of imprisonment imposed by the trial Court; that there are several arguable points in the above appeal, which requires consideration; that the sentence of imprisonment has already been suspended by the trial Court and since the appeal is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioners.

8. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioners is suspended till the disposal of the above Criminal appeal and the petitioners are ordered to be released on bail on the following conditions:

- (i) The petitioners/A1 to A3 shall execute a bond each for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned Special Court for Trial of Cases under SC/ST (POA) Act, Cuddalore;



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- (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 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.

18.12.2024

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To

1. The Sessions Judge,
Special Court for Trial of Cases under SC/ST (POA) Act,
Cuddalore.
2. The Deputy Superintendent of Police,
Vriddhachalam Sub-Division,
Vriddhachalam Police Station,
Cuddalore District.



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3.The Inspector of Police,
Vriddhachalam Police Station,
Vriddhachalam,
Cuddalore – District.

4.The Public Prosecutor,
High Court, Madras.

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