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*Crl.M.P.No.17805 of 2024 in
Crl.A.No.1576 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20-12-2024**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL MP. 17805 of 2024

IN CRL A. 1576 OF 2024

NAVAPPAN

S/o.Nataraja Pillai, Residing At Karai Village,
Gingee Taluk.

Appellant(s)

Vs

State Rep. By Its
Deputy Superintendent Of Police,
Gingee Sub Division. and 2 Others

Respondent(s)

For Appellant(s) : Mr.Ilayaraja Kandasamy
For Respondents 1 & 3 : Dr.C.E.Pratap,
Govt. Advocate (crl.side)
For 2nd Respondent : Ms.J.Swathy

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed in Special Sessions Case No.7 of 2024 dated 29.11.2024 by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (PoA) Act, 1989, Villupuram and enlarge the petitioners on bail, pending disposal of above Criminal Appeal.



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2. It is the case of the respondent that on 19.11.2023, when the defacto complainant was walking in the reserve forest, the petitioner attempted to catch hold of the defacto complainant; that when the defacto complainant tried to run, he chased her, closed her mouth and the defacto complainant managed to push the appellant.

3. The petitioner/accused in Spl.S.C.No.7of 2024 was convicted by the Trial Court under Section 341 IPC and sentenced to undergo simple imprisonment for one month; for the offence u/s 4 of TNPHW Act, sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.10,000/-, in default to undergo rigorous imprisonment for six months and for the offence u/s 3(1)(w)(i) of SC/ST (PoA) Act, sentenced to undergo simple imprisonment for one year and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for 3 months. Aggrieved by the same, the petitioner/accused filed Crl.A.No.1576 of 2024 along with the instant miscellaneous petition seeking suspension of sentence and bail.



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4. The learned counsel for the petitioner would submit that there are several arguable points in the appeal which requires consideration; that the sentenced imposed by the trial court has been suspended till 27.12.2024 and prayed for suspension of sentence.

5. Though notice was served on the second respondent/defacto complainant and her name has been printed in the cause list, none entered appearance. Hence, this Court, by order dated 19.12.2024, appointed Ms.J.Swathy, Advocate as legal-aid counsel to represent the second respondent/defacto complainant.

6. Heard the learned Government Advocate (crl.side) for the respondents 1 & 3 as well as the learned counsel for the second respondent who opposed for grant of bail to the petitioner.

7. Considering the fact that the petitioner has raised substantial grounds in the above appeal which requires consideration; that the sentence imposed on the petitioner has been suspended by the trial court till 27.12.2024 and that



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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 petitioner.

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

- (i) The petitioner 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 under SC/ST (PoA) Act, 1989, 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.

20.12.2024

rg

Issue order copy by 21.12.2024

Upload the order copy forthwith.

Note : The High Court Legal Services Committee, Chennai is directed to pay the scheduled fees to Ms.J.Swathy, legal-aid counsel appointed by this Court, to assist this Court on behalf of the second respondent/defacto complainant.



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To

1. The Sessions Judge,
Special Court for Exclusive Trial of
Cases under SC/ST (PoA) Act, 1989,
Villupuram
2. The Deputy Superintendent Of Police,
Gingee Sub Division
3. The Inspector of Police
Ananthapuram Police Station,
Gingee Taluk, Villupuram District.
4. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

rgt

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20.12.2024