



Crl.M.P.No.17818 of 2024
in
Crl.A.No.1580 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

Coram

The Honourable Mr.Justice Sunder Mohan

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in

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1. Kamalakannan
2. Ramesh
3. Annadurai
4. Karthik
5. Ponnusamy
6. Ayyammal
- 7.Bannari
- 8.Saraswathi

...Petitioners

Vs.

1. The State Rep. by
The Deputy Superintendent of Police,
Perianayakenpalayam Sub Division,
Coimbatore.
2. P.Panneer Selvam.

...Respondents

For Petitioners : Mr.G.D.Stalin

Order



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This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioners/appellants by judgment dated 12.11.2024 passed in S.C.No.12 of 2023 by the learned learned Sessions Judge, Special Court for Trial of Cases registered under SC/ST/(POA) Act, Coimbatore, pending disposal of the Appeal.

2. The case of the prosecution is that on 27.02.2017, at about 9.00 p.m, when the witness/P.W.2,Murugesh, who is the paternal uncle of the de facto complainant was sitting near a borewell in a village, the petitioners along with others assaulted the de facto complainant and P.W.2/Murugesh with hands and wooden log and also humiliated their caste.

3.The petitioners, who are arrayed as A1 to A4, A7 to A9 and A14 in the above Sessions Case, were convicted and sentenced as follows:

<i>Rank of the Accused</i>	<i>Offence under Section</i>	<i>Conviction and Sentence</i>
A1, A7 to A9 and	Section 147 of the IPC	Each of the petitioners was



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<i>Rank of the Accused</i>	<i>Offence under Section</i>	<i>Conviction and Sentence</i>
A14		sentenced to undergo Rigorous Imprisonment for three months.
A2 to A4	Section 148 of the IPC	Each of the petitioners was sentenced to undergo Rigorous Imprisonment for six months
A1 to A4, A7 to A9 and A14 (2 counts)	Section 323 r/w 149 of the IPC.	Each of the petitioners was sentenced to undergo Rigorous Imprisonment for one year and to pay a fine of Rs.500/- in default to undergo Rigorous Imprisonment for further period of one month.
A1 to A4, A7 to A9, A14 (5 counts)	Section 324 r/w 149 of the IPC.	Each of the petitioners was sentenced to undergo Rigorous Imprisonment for three years and to pay a fine of Rs.500/- in default to undergo Rigorous Imprisonment for further period of one month.
A1 to A4, A7 to A9, A14	Section 294(b) of the IPC.	Each of the petitioners was sentenced to undergo Rigorous Imprisonment for six months.
A1, A8, A9 and A14	Section 3(1)(r) and 3(1)(s) of SC/ST (POA) Act	Each of the petitioners was sentenced to undergo Rigorous Imprisonment for a period of three months and to pay a fine of Rs.500/- in default to undergo Rigorous Imprisonment for further period of three months.



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<i>Rank of the Accused</i>	<i>Offence under Section</i>	<i>Conviction and Sentence</i>
A1 to A4, A7 to A9 and A14	Section 324 IPC r/w 3(2) (va) of SC/ST (POA) Act	Each of the petitioners was sentenced to undergo Rigorous Imprisonment for a period of three months and to pay a fine of Rs.500/- in default to undergo Rigorous Imprisonment for further period of three months.
Sentences were ordered to run concurrently		

4. Challenging the above conviction and sentence, the petitioner has filed the above Criminal Appeal and he seeks suspension of sentence and bail in the present petition.

5. The learned counsel for the petitioners would submit that the petitioners have raised substantial grounds in the Appeal, and there is every likelihood of they succeeding in the Appeal and that after conviction, sentences imposed on all the petitioners except the third petitioner were suspended by the trial Court for a period of one month and thus, prayed for suspension of sentence, pending Appeal. The learned counsel further submitted that the sentences imposed on A3 was not suspended since the sentences imposed on him were directed to run consequently and that he is at



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present in custody.

6. The learned Public Prosecutor appearing for the respondent/State opposed the prayer for suspension of sentence.

7. Heard the learned counsel for the petitioners and the learned Public Prosecutor for the first respondent/State. Though the second respondent/de facto complainant was served, he has not appeared, hence, this Court has appointed Ms.A.Vinu Pradha, legal Aid Counsel on behalf of the second respondent. Heard the learned counsel for the defacto complainant.

8. The petitioners have raised substantial grounds in the Appeal, which requires consideration. Considering the same, the sentences imposed on the petitioners and since the appeal is not likely to be taken in the near future, this Court is inclined to grant the relief of suspension of sentence to all the petitioners.

9. Accordingly, this criminal miscellaneous petition stands allowed



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and the sentence imposed on the petitioners, is suspended till the disposal of the criminal appeal and they are ordered to be released on bail on the following conditions. As regards the third petitioner/A3 is concerned, it is reported that he is in judicial custody. Hence, this Court is inclined to enlarge the third petitioner A3 as well on bail subject to following conditions:-

(i) Each of the petitioners 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 Sessions Judge, Special Court for Trial of Cases registered under SC/ST/(POA) Act, Coimbatore.

(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;

(iii) The petitioners shall appear before the Trial Court on the first working day of every month at 10.30 a.m until further orders and if they are



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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.

21.12.2024

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Note: Issue order copy on 24.12.2024.

To

1. The Deputy Superintendent of Police,
Perianayakenpalayam Sub Division,
Coimbatore.
2. The Sessions Judge,
Special Court for Trial of Cases registered under
SC/ST/(POA) Act, Coimbatore.

Sunder Mohan ,J.,

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