



CRL MP(MD) No.6699 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Fourth day of July Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL MP(MD) No.6699 of 2024

in

CRL A(MD)No. 566 of 2024

MURUGAN

... APPELLANT/PETITIONER

Vs

THE DEPUTY SUPERINTENDENT OF POLICE,
ARUPPUKKOTTAI SUB DIVISION,
PANDALKUDI POLICE STATION,
PANDALKUDI,
VIRUDHUNAGAR DISTRICT.
CR.NO.253/2018

... RESPONDENT/RESPONDENT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioner on bail by Suspending the Sentence imposed upon him in Spl.S.C.No.13/2009 on the file of the learned Sessions Judge Special Court for Trial of SC/ST(POA) Act Cases Virudhunagar District at Srivilliputhur District by Judgment dated 06.06.2024 pending disposal of the main Criminal Appeal.

PRAYER IN CRL A(MD)No. 566 of 2024:

Pleased to call for the records in Spl.S.C.No. 13 of 2019 on the file of the Learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act cases, virudhunagar District at Srivilliputhur dated 06.06.2024 and acquit the appellants of the charges leveled against them .

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Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.R.ILAYARAJA, Advocate for the petitioner and of MR.B.THANGA ARAVINDH, Government Advocate (Criminal Side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the petitioner to suspend the following sentence of imprisonment imposed against him in Spl.S.C.No.13 of 2019 on the file of the learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act Cases, Virudhunagar District at Srivilliputhur District, by the judgment dated 06.06.2024, impugned in the above appeal in CrI.A.(MD). No.566 of 2024:

Sl.No.	Offence under Section	Sentence of imprisonment	Fine	Default sentence
1	324 of IPC	Two years of rigorous imprisonment	Rs.1,000/-	One month of simple imprisonment

2. The case of the prosecution is that on 14.12.2018, at about 06.16 p.m, the petitioner went to a Parotta shop, at that time, one Keerthi, D/o.Santhanam came to the said hotel to buy tiffin, the petitioner abused her in filthy language. Due to which, the Paratta shop owner and the informant reprimanded the accused. Thereafter, at about 06.30 p.m, the petitioner abused the informant in filthy language and also attacked him with woodenlog and hence, the respondent Police registered a case in

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Crime No.253 of 2018 for the offences under Sections 294(b), 326, 506(ii) of IPC r/w Sections 3(1)(r), 3(1)(s) of SC/ST (POA) Act. After investigation, the final report was filed and the same was taken on file by the learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act Cases, Virudhunagar District at Srivilliputhur District, in Spl.S.C.No.13 of 2019. The learned trial Judge, after completed all the legal formalities conducted the trial.

3. During the trial, the prosecution has examined 13 witnesses as P.W.1 to P.W.13 and exhibited 9 documents as Ex.P.1 to Ex.P.9. However, neither a witness was examined nor a document was exhibited on the side of the accused.

4. The learned trial Judge, after considering the evidence, documents and material objects, convicted the petitioner/appellant for the offence under Section 324 of IPC and to undergo 2 years of Rigorous Imprisonment and to pay a sum of Rs.1,000/- as fine, in default to undergo 1 month simple Imprisonment. Challenging the same, the petitioner filed the above appeal along with the suspension of sentence.

5. Today, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that the petitioner is ready to pay a sum of Rs.25,000/- to the victim directly.

6. The learned Government Advocate (Crl. Side) on the other hand submitted

that the manner of the occurrence that took place is to be considered in this case. The

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petitioner abused the victim and also attacked him with woodenlog. In the result, he sustained injuries. Considering the above, he seeks for dismissal of the suspension of sentence petition.

7. This Court considered the rival submissions made by the learned counsel appearing on either side and perused the materials available on record and also the impugned judgment.

8. Considering the nature of the accusation and there is no previous antecedent against the petitioner and also the fact that the petitioner is ready to pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the victim, this Court inclines to suspend the sentence of the imprisonment with the following conditions:

(i) The petitioner is directed to pay a sum of Rs.25,000/- to the victim within a period of one week from the date of receipt a copy of this order.

(ii) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Aruppukkottai, Virudhunagar District.

(iii) 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 to ensure their identity; and

(iv) The petitioner shall appear before the concerned Court once in a month i.e.,



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on first working day of every English calendar month at 10.30 a.m., till the disposal of the appeal.

9. Post the matter on 30.07.2024 for reporting compliance.

sd/-
04/07/2024

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/07/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

TO

1 THE SESSIONS JUDGE
SPECIAL COURT FOR SC/ST (POA) ACT CASES,
VIRUDHUNAGAR DISTRICT AT SRVILLIPUTHUR.

2 THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.

3. DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
ARUPPUKOTTAI SUB DIVISION,
PANDALKUDI POLICE STATION,
PANDALKUDI,
VIRUDHUNAGAR DISTRICT.



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5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.ILAYARAJA, Advocate (SR-7392[I] dated 04/07/2024)

ORDER
IN
CRL MP(MD) No.6699 of 2024
in
CRL A(MD)No. 566 of 2024
Date :04/07/2024

PKP/JGB/SAR /19.07.2024/ 6P/ 7C

Madurai Bench of Madras High Court is issuing certified
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