



CRL MP(MD) No.8724 of 2024

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

Friday, the Sixth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.8724 of 2024
in
CRL A(MD) No.697 of 2024

1 RAJA

2 ESAKKI RAJA

3 NAGARAJAN

4 MUTHURAJA

5 SARAVANAN

... Petitioners / Appellants

Vs

1 THE ASSISTANT COMMISSIONER OF POLICE,
LAW AND ORDER,
TIRUNELVELI TOWN SUB DIVISION,
TIRUNELVELI CITY.
(TIRUNELVELI JUNCTION POLICE STATION
CRIME NO.338/2017).

2 THE INSPECTOR OF POLICE
JUNCTION POLICE STATION,
TIRUNELVELI DISTRICT.

3 T.MUTHUSANKAR

... Respondents / Respondents



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Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence of imprisonment imposed in SC No.142/2017 on the file of the 2nd Additional District and Sessions Judge (PCR), Tirunelveli, dated 30/7/2024, and enlarge the petitioner on bail pending disposal of the above said Criminal Appeal.

Prayer in CRL A(MD) No.697 of 2024:

To call for the records and set aside the judgment and conviction in S.C.No.142 of 2017 on the file of the 2nd Additional District and Sessions Judge (PCR), Tirunelveli, dated 30.07.2024 and acquit the appellants.

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 M/S.MAHARAJAN V, Advocate for the petitioners and of Mr.M.SAKTHI KUMAR, Government Advocate (Crl. side) on behalf of the Respondent Nos.1 & 2, and of Mr.T.SELVAN, Advocate on behalf of the Respondent No.3, the Court made the following order:-

This Petition is filed to suspend the sentence imposed by the learned II Additional District and Sessions Judge(PCR), Tirunelveli, in S.C.No.142 of 2017 dated 30.07.2024 and enlarge the petitioners on bail, pending disposal of the above said Criminal Appeal.

2. The case of the prosecution is that the petitioners and the de-facto complainant are the auto drivers. On 20.05.2017, while P.Ws.1, 2 and 3 were waiting with their auto for passengers, the accused persons came there and took P.W.2 and abused him and assaulted him with hands. When P.W.1 and P.W.3 questioned the same, all the accused abused them and scolded them by calling their caste name and



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caused injury. Hence, the de-facto complainant lodged a complaint. Based on the complaint, a case has been registered against the appellant in Crime No.338 of 2017 for the alleged offence punishable under Sections 294(b), 323, 324, 355 and 506(ii) of IPC and 3(1)(x) of SC/ST(POA) Amendment Act 2015.

3.The learned counsel for the petitioners submitted that the first petitioner was convicted by the learned trial judge, for the alleged offence under Sections 323 and 355 IPC and r/w 3(1)(x) of SC/ST(POA) Act, 2015 and the appellants 2 to 5 are found guilty for the offence under Section 323 IPC and r/w Section 3(1)(x) of SC/ST (POA) Act, 2015 and the appellants are ordered to pay a fine of Rs.1,000/- each for the offence under Section 323 IPC and in default to undergo three months rigorous imprisonment(each) and the first appellant is sentenced to undergo one year rigorous imprisonment for the offence under Section 355 of IPC and all the appellants are sentenced to undergo one year rigorous imprisonment for the offence under Section 3(1)(x) of SC/ST (POA) Act, (each). Set off under Section 428 Cr.P.C. is also ordered.

4.The learned counsel for the petitioners submitted that the suspension of sentence had already been granted by the trial Court in CrI.M.P.No.2746 of 2024 in S.C.No.142 of 2017, dated 10.07.2024. Hence, he prays for allowing this application.



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5. When the matter came up for hearing today, the de-facto complainant entered appearance and also submitted that he has no objection for allowing this application.

6. Heard the learned Government Advocate(Crl.side) appearing for the respondent police.

7. Considering the facts and the circumstance of this case, considering the period of incarceration and there are arguable points involved in this Criminal Appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future, hence, the petitioners are entitled to the relief of grant of suspension of sentence.

8. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal with the following conditions:-

(i) The petitioners shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to the satisfaction of the learned II Additional District and Sessions Judge(PCR), Tirunelveli.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a



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copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioners shall appear before the concerned Court once in a week at 10.30 a.m. pending appeal.

sd/-
06/09/2024

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/09/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

NS

To

1.THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR),
TIRUNELVELI.

2 THE ASSISTANT COMMISSIONER OF POLICE,
LAW AND ORDER,
TIRUNELVELI TOWN SUB DIVISION,
TIRUNELVELI CITY.

3 THE INSPECTOR OF POLICE
JUNCTION POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI



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+1 CC to M/s.S.SATHYA CHIDAMBARAM, Advocate (SR-11018[I] dated
09/09/2024)

ORDER
IN
CRL MP(MD) No.8724 of 2024
in
CRL A(MD) No.697 of 2024
Date :06/09/2024

ED/ VR /SAR- (07/09/2024) 6P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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