



CRL MP(MD) No.11491 of 2024

WEB COPY

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

Monday, the Twenty Eighth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.11491 of 2024
in
CRL A(MD) No.887 of 2024

1 B.SURLIRAJAN

2 S.SELVAN

3 G.LAKSHMAN

4 G.MUTHURAMALINGAM

5 J.SANKARANARAYANAN

6 A.KALIYAPPAN

... PETITIONERS/APPELLANTS

Vs

THE DEPUTY SUPERINTENDENT OF POLICE,
THENI SUB DIVISION,
PALANICHETTIPATTY POLICE STATION,
THENI DISTRICT.
CRIME NO. 801/2017

... RESPONDENT/RESPONDENT

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 pursuant to the judgment of conviction render by the Learned Special Court for cases under SC/ST (POA) Act, Theni in Spl.S.C.No.111/2020 dt. 24.09.2024, pending



CRL MP(MD) No.11491 of 2024

disposal of the above Criminal Appeal.

WEB COPY

Prayer in CRL A(MD) No.887 of 2024 :

To admit the Appeal on the file, and to call for the records from the Learned Special Court for Trial of Cases Under SC/ST (POA) Act, Theni in Spl.S.C.No.111/2020 dated 24.09.2024 and set aside the same and to acqui the Appellants/Accused.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.J.JEYAKUMARAN, Advocate for the petitioners and of MR.M.SAKTHI KUMAR, Government Advocate (Crl.Side) on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

*** This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Theni, dated 24.09.2024 in Spl.S.C.No.111 of 2020 and enlarge the petitioners on bail, pending disposal of the above said Criminal Appeal.**

2.The learned counsel for the petitioners submitted that the first petitioner, who is the first accused in this case has been convicted by the learned trial judge, for the alleged offence under section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act 2003 and sentenced him to undergo one year rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo 3 months simple imprisonment; and for the alleged offence under Section 264(b) of IPC and sentenced him to pay a fine of Rs.1,000/- in default to undergo one month simple imprisonment. The petitioners 2 to 6/accused Nos.2 to 6 are found guilty, convicted for the offence under Section 3(1)(r) of



CRL MP(MD) No.11491 of 2024

WEB COPY

SC/ST (POA) Amendment Act 2015 and sentenced to undergo rigorous imprisonment for 6 months each and to pay a fine of Rs.1,000/- each, in default undergo simple imprisonment for one month each; They have also found guilty, convicted and sentenced to undergo rigorous imprisonment for 6 months each and to pay a fine of Rs.1,000/- each, in default undergo simple imprisonment for one month each for the offence under Section 3(1)(s) of SC/ST (POA) Amendment Act 2015; They have also found guilty, convicted and sentenced to undergo rigorous imprisonment for 6 months each for the offence under Section 506(i) of IPC r/w 3(2)(va) of SC/ST (POA) Amendment Act, 2015.

3.It is submitted by the learned counsel for the petitioners that the sentence was already suspended by the trial Court.

4.Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the fact the petitioners are already enlarged on bail by the trial Court, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioners are directed to be enlarged on bail on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Trial of Cases



CRL MP(MD) No.11491 of 2024

under SC/ST (POA) Act, Theni, and on further condition that the petitioner shall appear before the said Court once in a week at 10.30 a.m. pending appeal.

WEB COPY

sd/-
28/10/2024

(*) Corrected as per order of the court dated 05.12.2024 in CRL MP(MD) No.11491 of 2024 in CRL A(MD) No.887 of 2024)

/ TRUE COPY /

06/12/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 28.10.2024 ALREADY DESPATCHED

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR TRIAL OF CASES UNDER SC/ST (POA) ACT, THENI.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
THENI SUB DIVISION,
PALANICHETTIPATTY POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-13291[I] dated 28/10/2024)



WEB COPY



CRL MP(MD) No.11491 of 2024

ORDER

IN

CRL MP(MD) No.11491 of 2024

in

CRL A(MD) No.887 of 2024

Date :28/10/2024

RS/JGB/SAR-(06.11.2024) 5P 5C

ED/ /SAR- (06/12/2024) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023