



CRL MP(MD) No.12808 of 2024

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

Friday, the Twenty Ninth day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE K.K. RAMAKRISHNAN

CRL MP(MD) No.12808 of 2024

in

CRL A(MD) No.1029 of 2024

ARUN

... Petitioner / Appellant

Vs

1 THE DEPUTY SUPERINTENDENT OF POLICE,
NILAKOTTAI RURAL DIVISION,
NILAKOTTAI POLICE STATION,
NILAKKOTTAI TALUK,
DINDIGUL DISTRICT.
(CRIME NO. 50 of 2020)

... 1st Respondent / 1st respondent

2 PONNAIAH

... 2nd Respondent / 2nd 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 suspend the execution of sentence by granting conditional bail in Spl S.C No. 25/2020 by the learned Special court for Exclusive trial of cases under SC/ST (POA) Act, Dindigul District, Dindigul dt. 11.09.2024 till the disposal of the Criminal appeal.



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Prayer in CRL A(MD) No.1029 of 2024:

To call for the records and set aside the conviction judgment passed in SPL.S.C.No.25 of 2020 by the learned the Special Court for Exclusive Trial of Cases under SC/ST(POA) Act, Dindigul District, Dindigul dated 11.09.2024 against the appellant and allow this appeal and acquit the appellant.

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.NARAYANAN.R, Advocate for the petitioner and of Mr.M.SAKTHI KUMAR, Government Advocate (Crl. side) on behalf of the Respondent No.1, the Court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed in Spl.S.C.No.25 of 2020, dated 11.09.2024, by the Learned Special Court, for exclusive Trial of cases under SC/ST (POA) Act, Dindigul District, Dindigul, till the disposal of this Criminal Appeal.

2.The case of the prosecution is that due to civil dispute, the petitioner put up a fence in the land of the defacto complainant and the same was questioned by the defacto complainant. Thereafter on 22.02.2020, at about 12.00 noon, when the defacto complainant removed the said fence, the accused came there and abused him in filthy language and his caste name and attacked him using Spade on the hip and other parts of the body and caused grievous injury to the defacto complainant.



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Hence, the defacto complainant lodged a complaint before the respondent Police.

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3.On receipt of the complaint, the respondent Police registered a case in Crime No.50 of 2020 for the offence under Sections 294(b) and 326 of IPC and 3(1)(r) and 3(1)(s) of SC/ST (POA) Act, 2015 against the petitioner. The respondent Police, after completing the investigation, has filed the final report and the same was taken on file in Spl.S.C.No.25 of 2020, by the Learned Special Court, for exclusive Trial of cases under SC/ST (POA) Act, Dindigul District.

4.During the trial, the prosecution has examined 12 witnesses as P.W.1 to P.W.12 and exhibited 11 documents as Ex.P.1 to Ex.P.11. On the side of the defence, neither a witness was examined nor a document was exhibited.

5.Subsequently, the charges were altered into under Sections 294(b) of IPC and 326 of IPC r/w 3(2)(v) of SC/ST (POA) Amendment Act, 2015 and 3(1)(r) and 3(1)(s) of SC/ST (POA) Amendment Act, 2015 against the petitioner/accused. The Learned Special Court, for exclusive Trial of cases under SC/ST (POA) Act, Dindigul District, after full-fledged trial has passed the judgment in Spl.S.C.No.25 of 2020, dated 11.09.2024, and acquitted the petitioner/accused for the offence under Sections 294(b) of IPC and 326 of IPC r/w 3(2)(v) of SC/ST (POA) amendment Act, 2015 and 3(1)(r) and 3(1)(s) of SC/ST (POA) Amendment Act, 2015 and convicted the petitioner/accused for the offence under Section 324 of IPC and sentenced to



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undergo 6 months Simple Imprisonment and to pay fine of Rs.3,000/- (Rupees Three Thousand Only) and in default to undergo two months simple imprisonment.

Aggrieved over the above said conviction and sentence, imposed by the trial Court, the petitioner preferred the present Criminal appeal along with the present Miscellaneous Petition seeking for suspension of sentence.

6.The learned counsel for the petitioner submitted that there are several infirmities in the prosecution case. He further submitted that the trial Court acquitted the accused for the major offence. He further submitted that he already paid fine amount. Hence, he seeks suspension of sentence.

7.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the prosecution filed the final report against the petitioner/accused and the same was subsequently, altered into under Sections 294 (b) of IPC and 326 of IPC r/w 3(2)(v) of SC/ST (POA) Amendment Act, 2015 and 3 (1)(r) and 3(1)(s) of SC/ST (POA) Amendment Act, 2015. However, the learned trial Judge after elaborating arguments, acquitted the petitioner/accused for the offence under Section 294(b) of IPC and 326 of IPC r/w 3(2)(v) of SC/ST (POA) amendment Act, 2015 and 3(1)(r) and 3(1)(s) of SC/ST (POA) Amendment Act, 2015 and convicted the petitioner/accused for the offence under Section 324 of IPC.



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8.This Court considered the rival submission made by the learned counsel appearing on either side and perused the materials available on record.

9.Considering the facts and circumstances of the case and also considering the fact that the trial judge acquitted the petitioner/accused for the major offence and there was no antecedent against the petitioner and there are some arguable points involved in the criminal appeal, the petitioner is entitled to the relief of grant of suspension of sentence.

10.Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) 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 Special Court, for Exclusive Trial of cases under SC/ST (POA) Act, Dindigul District, Dindigul,;

(ii)The sureties shall affix his photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of his Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioner shall appear before the trial Court



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

sd/-
29/11/2024

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/12/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSG

To

1.The Judge,
Special Court for Exclusive Trial of cases under SC/ST (POA) Act,
Dindigul District.

2.The Deputy Superintendent of Police,
Nilakottai Rural Division,
Nilakottai Police Station,
Nilakkottai Taluk, Dindigul District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL MP(MD) No.12808 of 2024
in
CRL A(MD) No.1029 of 2024
Date :29/11/2024



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ED/ GSV /SAR- (03/12/2024) 7P / 4C

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