



CRL.M.P.(MD)No.12112 of 2024

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

Thursday, the Fourteenth day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE K.K. RAMAKRISHNAN

CRL.M.P.(MD)No.12112 of 2024

in

CRL.A.(MD)No.967 of 2024

MARUTHUPANDI

... PETITIONER/ APPELLANT/ ACCUSED

Vs

THE STATE OF TAMILNADU

REP BY THE DEPUTY SUPERINTENDENT OF POLICE,

THIRUCHULI SUB DIVISION,

THIRUCHULI

POLICE STATION,

VIRUDHUNAGAR DISTRICT.

CRIME NO.325 OF 2019.

... RESPONDENT/RESPONDENT/COMPLAINANT

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 the sentence dated 13.09.2024 made in Spl.S.C.No.10/2020 passed by the Learned Sessions Judge, Special Court for Trail of SC/ST (POA) Act cases at Srivilliputhur and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

Prayer in CRL.A.(MD)No.967 of 2024:

To call for the entire records pertaining to the judgment dated 13.09.2024 made in Spl.S.C.No.10/2020 passed by the learned Sessions Judge, Special Court for Trail of SC/SCT(POA) Act Cases at Srivilliputhur and allow this Criminal appeal.



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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.K.ANBUMANIKANDANTAMILSOORIYAN, Advocate for the petitioner 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 has been filed to suspend the sentence passed in Spl.S.C.No.10 of 2020, dated 13.09.2024, on the file of the Learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act, Cases, at Srivilliputhur, and enlarge the petitioner on bail till the disposal of this Criminal Appeal.

2.The case of the prosecution is that on 20.12.2019, at about 08.30 p.m, when the defacto complainant was purchasing pooja thing in the shop, the petitioner asked his cellphone to make a call, at that time, he refused to give him and he replied that there was no balance in his cellphone. Due to the said refusal, the petitioner stared at him and developed enmity against him. Due to the previous enmity, on the same day, at about 09.00 p.m., when the defacto complainant was performing poojas in the Karuppasamy @ Kazhuvadiyan Temple at Pannaimoondradaipu Village, the petitioner came there and said to have abused him in filthy language and also insulted him by using his caste name in the presence of the other persons worshipping there and also caused mental agony to him. Further, the petitioner said to have



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assaulted him with Aruval and caused simple injury on his left hand above elbow.

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

3.On receipt of the complaint, the respondent Police registered a case in Crime No.325 of 2019 for the offence under Sections 294(b) of IPC r/w Section 3(1)(r), 3(1)(s) of SC/ST (POA) Act, and Section 324 of IPC and Section 506(ii) of IPC r/w 3(2)(va) of SC/ST (POA) Act, 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.10 of 2020,by the learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act, Cases, at Srivilliputhur.

4.During the trial, the prosecution has examined 12 witnesses as P.W.1 to P.W.12 and exhibited 7 documents as Ex.P.1 to Ex.P.7. On the side of the defence, neither a witness was examined nor a document was exhibited.

5.The learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act, Cases, at Srivilliputhur, after full-fledged trial has passed the judgment in Spl.S.C.No.10 of 2020, dated 13.09.2024, and convicted the petitioner/accused for the offence under Section 324 of IPC and sentenced him to undergo one year Rigorous



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Imprisonment and to pay a fine of Rs.1,000/- in default to undergo one month simple imprisonment and acquitted the petitioner/accused for the offence under Section 294(b) of IPC r/w 3(1)(r) and 3(1)(s) of SC/ST (POA) Act and 506(ii) of IPC r/w Section 3(2)(va) of SC/ST (POA) Act. Aggrieved over the above said conviction and sentence, imposed by the Courts below, 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 the sentence imposed on the petitioner was suspended by the trial Court in Cr.M.P.No.256 of 2024, dated 13.09.2024. Hence, he seeks the suspension of sentence of imprisonment in favour of the petitioner.

7.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the prosecution filed the final report against the petitioner/accused for the alleged offence under Section 294(b) of IPC r/w Section 3(1)(r), 3(1)(s) of SC/ST (POA) Act, and Section 324 of IPC and Section 506(ii) of IPC r/w 3(2)(va) of SC/ST (POA) Act. The learned trial Judge after elaborating arguments, acquitted the petitioner/accused for the offence under Section 294(b) of



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IPC r/w 3(1)(r) and 3(1)(s) of SC/ST (POA) Act and 506(ii) of IPC r/w Section 3(2) (va) of SC/ST (POA) Act and convicted the petitioner/accused for the offence under Section 324 of IPC. Further, the learned trial Judge suspended the sentence imposed against him in Cr.M.P.No.256 of 2024, dated 13.09.2024.

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

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 the sentence imposed on the petitioner was suspended by the trial Court in Cr.M.P.No.256 of 2024, dated 13.09.2024 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 Sessions Judge, Special Court for



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WEB COPY Trial of SC/ST (POA) Act, Cases, at Srivilliputhur;

(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 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/-
14/11/2024

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/11/2024
Sub-Assistant Registrar (CS-I / II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SESSIONS JUDGE, SPECIAL COURT FOR TRIAL OF SC/ST (POA) ACT, CASES, AT SRIVILLIPUTHUR;

2THE DEPUTY SUPERINTENDENT OF POLICE,
THIRUCHULI SUB DIVISION,
THIRUCHULI
POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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



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ORDER
IN
CRL.M.P.(MD)No.12112 of 2024
in
CRL.A.(MD)No.967 of 2024
Date :14/11/2024

RK/VR (22/11/2024) 7P / 4C

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