



CRL MP(MD) No.12122 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 MP(MD) No.12122 of 2024

in

CRL A(MD) No.969 of 2024

1 PARISUTHARAJ ESRA

2 CHANDRA LEELA SUGANTHI

3 ESTHER KATTITHANGAM

4 EDWIN KINGSLY

5 JESURAJ

... Appellants / Accused No.1 to 5

Vs

1 THE DEPUTY SUPERINTENDENT OF POLICE,
SRIVAIKUNDAM SUB DIVISION,
SRIVAIKUNDAM,
THOOTHUKUDI DISTRICT.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SRIVAIKUNDAM,
THOOTHUKUDI DISTRICT.
CRIME NO. 16/2015

... Respondents / Complainants

Criminal Miscellaneous Petition filed praying that in the circumstances stated



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therein and in the petition filed therewith the High Court may be pleased to suspend the sentence of imprisonment in S.C No. 58/2020 dt. 15.10.2024 on the file of the learned Special court for trial of under SC/ST(POA) Act, Thoothukudi by granting bail till the disposal of the criminal appeal.

Prayer in CRL A(MD) No.969 of 2024:

To call for the records and set aside the conviction and sentence passed in S.C.No.58 of 2020 dated 15.10.2024 on the file of the learned Special Court for Trial of under SC/ST (POA) Act, Thoothukudi.

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.C.JEGANATHAN, Advocate for the petitioners and of Mr.M.SAKTHI KUMAR, Government Advocate (Crl. side) on behalf of the Respondents, while admitting the criminal appeal, the Court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed in S.C.No.58 of 2020, dated 15.10.2024, on the file of the Learned Special Court for Trial of under SC/ST (POA) Act, Cases, Thoothukudi, and enlarge the petitioner on bail till the disposal of this Criminal Appeal.

2.The case of the prosecution is that the defacto complainant/P.W.1 and the first petitioner/A1 were in love. As agreed by the parents of both the parties, the marriage was solemnized between them on 01.06.2009 at the house of the defacto complainant/P.W.1. Thereafter, both were residing in Coimbatore and during the course of the same, on 11.03.2013, the defacto complainant/P.W.1 has converted into Christianity, at CSI Church, Coimbatore. Thereafter, the first petitioner left the defacto complainant/P.W.1 in her parental home. Thereafter, the first petitioner



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married the sixth accused namely Jebastal Jeyakirubai. The same was questioned by the defacto complainant and her mother. Due to which, the petitioners and other accused persons said to have abused her in filthy language and their caste name. 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.16 of 2015 for the offence under Sections 294(b), 498(A), 406, 506(ii) of IPC and 3(i)(xi) of SC/ST (POA) Act. The respondent Police, after completing the investigation has filed the final report in P.R.C.No.28 of 2016 before the learned Judicial Magistrate, Srivaikundam and the same was taken on file in S.C.No.58 of 2020, by the Special Court for Trial of SC/ST (POA) Act Cases, Thoothukudi.

4.During the trial, the prosecution has examined 10 witnesses as P.W.1 to P.W.10 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.The learned Special Court for Trial of SC/ST (POA) Act Cases, Thoothukudi, after full-fledged trial has passed the judgment in S.C.No.58 of 2020, dated 15.10.2024, and convicted the petitioners for the offence under Section 498(A) of IPC and sentenced to undergo three years Simple Imprisonment and to pay a fine of Rs.2,000/- each (Total Rs.10,000/-) in default to undergo six months simple imprisonment and for the offence under Section 506(i) of IPC and sentenced to



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undergo two years simple imprisonment and to pay a fine of Rs.1,000/- each (total Rs.5,000/-) in default to undergo four months simple imprisonment and acquitted the first petitioner/accused No.1 for the offence under Sections 294(b), 494, 406 and 506(ii) of IPC and Section 3(1)(x) and 3(1)(xi) of SC/ST (POA) Act and acquitted the petitioners No.2 to 5/accused 2 to 5 for the offence under Sections 294(b), 494 r/w 109 and 506(ii) of IPC and Sections 3(1)(x), 3(1)(xi) 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 petitioners submitted that the petitioners have paid find amount and filed the bail petition before the learned trial Court in Crl.M.P.No.1177 of 2024 and the learned trial Court granted bail till 13.01.2025. Hence, he seeks the suspension of sentence of imprisonment in favour of the petitioners.

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 Sections 294(b), 498(A), 406, 506(ii) of IPC and 3(i)(xi) of SC/ST (POA) Act. The learned trial Judge after elaborating arguments, acquitted the petitioners/accused for the major offence. Further, the



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learned trial Court granted bail till 13.01.2025.

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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 records.

9.Considering the facts and circumstances of the case and also considering the fact that the trial judge acquitted the petitioners/accused Nos.1 to 5 for the major offence and the learned trial Court granted bail till 13.01.2025 and there was no antecedent against the petitioners 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 petitioners on the following conditions:-

(i) The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Special Court for Trial of SC/ST (POA) Act, Cases, Thoothukudi;

(ii)The sureties shall affix their 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



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ensure their identity; and

(iii) The petitioners 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
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSG

To

1.The Judge,
Special Court for Trial of SC/ST (POA) Act Cases,
Thoothukudi.

2.The Deputy Superintendent of Police,
Srivaikundam Sub Division,
Srivaikundam, Thoothukudi District.

3.The Inspector of Police,
All Women Police Station,
Srivaikundam, Thoothukudi District.

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



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Copy to:

The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.JEGANATHAN, Advocate (SR-14046[I] dated 15/11/2024)

ORDER
IN
CRL MP(MD) No.12122 of 2024
in
CRL A(MD) No.969 of 2024
Date :14/11/2024

ED/ VR /SAR- (23/11/2024) 7P / 7C

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