



CRL MP(MD) No.12990 of 2024

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

Monday, the Second day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE K.K. RAMAKRISHNAN

CRL MP(MD) No.12990 of 2024

IN

CRL A(MD) No.1047 of 2024

1 ANANDARAJ
2 CHINNAIAN
3 SENTHIL

... PETITIONERS/ APPELLANTS

Vs

1 THE DEPUTY SUPERINTENDENT OF POLICE,
KULITHALAI SUB DIVISION,
KULITHALAI,
KARUR DISTRICT.

... INQUIRY OFFICER/RESPONDENT

2 THE INSPECTOR OF POLICE
MAYANOR POLICE STATION,
KARUR DISTRICT.
CRIME NO. 369/2020

... COMPLAINANT/RESPONDENT

3 KRISHNAMOORTHY

... DEFACTO COMPLAINANT/RESPONDENT

4 SARAVANAN

... VICTIM/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 imposed on the petitioners by the judgment dt. 30.10.2024 passed in S.C No.27 of 2021 by the Honble Principal Sessions Judge, Karur and enlarge the petitioners on bail pending the disposal of the criminal appeal.

<https://www.mhc.tn.gov.in/judis>



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Prayer in CRL A(MD) No.1047 of 2024 :

To call for the records with respect to SC No.27 of 2021 on the file of the Hon'ble Principal Sessions Judge, Karur and set-aside the judgment dated 30.10.2024 passed in SC No.27 of 2021 by the Hon'ble Principal Sessions Judge, Karur by allowing this appeal.

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.T.M.MADASAMY, Advocate for the petitioners and of MR.M.SAKTHI KUMAR, Government Advocate (Crl.Side) on behalf of the Respondent Nos.1 & 2, while admitting the Criminal Appeal, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence and fine passed by learned Principal Sessions Judge, Karur, in S.C.No.27 of 2021 dated 30.10.2024 to enlarge the petitioners on bail till the disposal of the Criminal Appeal.

2. The case of the prosecution is that the petitioners are the accused No.2, 4 & 5 in S.C.No.27 of 2021. The petitioners in the said S.C is facing charges under Sections 147, 148, 341, 294(b), 326, 506(ii) and 3(1)(r)(s) & 3(2)(Va) of SC/ST (POA) Amendment Act, 2016. As per the allegation, on 28.06.2020, at about 12.30 p.m, at the instigation of A8, the petitioners and the other accused are said to have waylaid the complainant and abused him by calling his caste name and also thrown silly powder on his face. Further, they attacked him with aruval and caused severe injuries on various parts of the body.

3. On receipt of the complaint, the respondent police registered a case in Crime No.369 of 2020 for the offences under Sections 147, 148, 294(b), 341, 324, 506(ii) r/w 3



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(1)(r)(s) & 3(2)(Va) of SC/ST (POA) Amendment Act, 2016.

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4. The respondent police, after completing the investigation, has laid a final report for the offences under Sections 147, 148, 341, 294(b), 326, 506(ii) and 3(1)(r)(s) & 3(2)(Va) of SC/ST (POA) Amendment Act, 2016, before the learned Principal Sessions Judge, Karur. The learned Special Judge has taken the case on file in S.C.No.27 of 2021 and thereafter, conducted trial as per procedure stated in code of Criminal Procedure.

5. During the trial, the prosecution has examined 17 witnesses as P.W.1 to P.W.17 and exhibited 21 documents as Ex.P.1 to Ex.P.21 and marked material object as MO.1 to MO.3 and on the side of the defence, 2 witnesses have been examined as D.W.1 and D.W.2 and Ex.D.1 to Ex.D.8 were marked.

6. The learned Special Sessions Judge, upon considering the evidences adduced and on hearing the arguments on both the sides, acquitted the petitioners from the offences under Sections 147, 148, 294(b), 326, 506(ii) and 3(1)(r)(s) & 3(2)(Va) of SC/ST (POA) Amendment Act, 2016, and convicted them for the offences under Sections 341, 324 of IPC r/w 3(2)(Va) of SC/ST (POA) Amendment Act, 2016, and sentenced them to undergo 1 month Simple Imprisonment and to pay a fine of Rs.500/- each in default to undergo 1 week Simple Imprisonment each for the offence under Section 341 of IPC (2 counts) r/w 3(2)(Va) of SC/ST (POA) Amendment Act,



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2016 and also sentenced them to undergo 3 years Rigorous Imprisonment and to pay a fine of Rs.1,000/- each in default, to undergo 1 month Simple Imprisonment each for the offence 324 of IPC (2 counts) r/w 3(2)(Va) of SC/ST (POA) Amendment Act, 2016 and the sentences were ordered to run concurrently.

7. Thereafter, the trial Court has granted interim suspension of sentence to the petitioners on 27.11.2024 for a period of 30 days from 28.11.2024 to 26.12.2024.

8. Challenging the above said conviction and sentence, the petitioners have preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

9. The learned Counsel for the petitioners submitted that in an election, which was held on 31.12.2000, at Mayanoor Village Panchayat, one Rajam, who is the mother of Sankar Anand was defeated by the wife of A8. Due to that motive, only to take revenge, the complainant gave such a false complaint against the accused. He would further submit that a number of contradictions between the evidences regarding the alleged occurrence. Hence, he seeks to grant of suspension of sentence to the petitioners.

10. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that there are enough materials available on record against the petitioners and hence, he strongly opposed to grant suspension of sentence.



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11. This Court has carefully considered the rival submissions by either side and also perused the materials available on record.

12. Considering the facts and circumstances of the case and also considering the facts that the dispute between the parties arising out of election motive and the trial Judge has already granted interim suspension of sentence to the petitioners and certain infirmities, inconsistencies and contradictions in material particulars brought to the knowledge of this Court, this Court prima facie feels that 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, this Court is inclined to grant of suspension of sentence.

13. 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) with two sureties each for a like sum to the satisfaction of the learned Principal Sessions Judge, Karur.

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



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

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disposal of the appeal.

sd/-

02/12/2024

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/12/2024

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

dss

TO

- 1 THE PRINCIPAL SESSIONS JUDGE, KARUR.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
KULITHALAI SUB DIVISION, KULITHALAI, KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE, MAYANOR POLICE STATION,
KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.12990 of 2024

IN

CRL A(MD) No.1047 of 2024

Date :02/12/2024

RS/VR/SAR-(05.12.2024) 6P 5C

Madurai Bench of Madras High Court is issuing
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