



Crl.M.P.(MD) No.17783 of 2023

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

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

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

Crl.M.P.(MD) No.17783 of 2023  
in  
Crl.A.(MD) No.1111 of 2023

AYYAPPAN

... PETITIONER/ APPELLANT

Vs

1 THE DEPUTY SUPERINTENDENT OF POLICE,  
THIRUTHURAIPOONDI SUB DIVISION,  
(I/C) MUTHUPETTAI SUB DIVISION,  
THIRUVARUR DISTRICT.

2 THE INSPECTOR OF POLICE  
PERUGAVAZHATHAN POLICE STATION,  
THIRUVARUR DISTRICT.  
(CRIME NO.124/2021).

3 RATHINASAMI

... RESPONDENTS/RESPONDENTS

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 sentence imposed in Spl.SC.No.34/2021 on the file of Learned I Additional District and Sessions Judge, Thanjavur dt.9/11/2023 and enlarge the appellant on bail pending disposal of the above said Criminal Appeal.



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PRAYER IN Crl.A.(MD) No.1111 of 2023:

To set aside the Judgment and Conviction dated 09.11.2023 by the learned I-Additional District and Sessions Judge, Thanjavur in Spl.S.C.No.34 of 2021 and acquit the Appellants.

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.M.KARUNANITHI, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondents 1 & 2 the court made the following order:-

The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence passed against him by the learned I Additional District and Sessions Judge, Thanjavur in Spl.S.C.No.34 of 2021 dated 09.11.2023 and to enlarge him on bail, pending disposal of the Criminal Appeal.

2. According to the prosecution, the petitioner is said to have committed the offences under Sections 341, 294(b), 506(ii) of IPC r/w 3(1)(r)(s) and 3(2)(va) of 'the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amended Act 1 of 2016)' (hereinafter 'SC/ST [PoA] Act' for the sake of brevity). and that a case has been registered against the petitioner in Crime No.124 of 2021 on the file of the 2<sup>nd</sup> respondent/Inspector of Police, Perugavazhathan Police Station, Tiruvarur District and the same was taken on file in Spl.S.C.No.34 of 2021 before the learned I Additional District and Sessions Judge, Thanjavur. The petitioner was



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convicted and sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.2,000/- with three months simple imprisonment in case of default and another fine of Rs.500/- with one month simple imprisonment in case of default.

3. Learned counsel for the petitioner submitted that there are some arguable points involved in the criminal appeal and that the Court below has failed to appreciate the fact that there is a delay in preferring Ex.P1 complaint, FIR and other material documents and that the delay has not been explained properly which is fatal to the prosecution. Hence, he prays for grant of suspension of sentence to the petitioner.

4. Per contra, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor would submit that there are enough materials available on record against the petitioner and hence, opposed for allowing the petition.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the arguable points involved in the appeal and the facts and



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circumstances of the case, this Court is of the prima facie view that the sentence imposed on the petitioner is to be suspended pending this appeal.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned I Additional District and Sessions Judge, Thanjavur in Spl.S.C.No.34 of 2021 dated 09.11.2023 alone is suspended subject to 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 I Additional District and Sessions Judge, Thanjavur.

ii) The petitioner shall appear and sign before the learned I Additional District and Sessions Judge, Thanjavur, on the first working day of every English calender month at 10.30 a.m., until further orders.

iii) In case, if the petitioner is unable to appear before the Court on the first working day of a month, he shall appear on the next working day.

iv) The petitioner shall furnish his residential address and mobile number to the Trial Court ie., learned I Additional District and Sessions Judge, Thanjavur.



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7. Subject to the above conditions, this Petition is allowed.

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sd/-  
08/01/2024

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/01/2024

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

pkn

TO

1.THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE, THANJAVUR

2 THE DEPUTY SUPERINTENDENT OF POLICE,  
THIRUTHURAIPOONDI SUB DIVISION,  
(I/C) MUTHUPETTAI SUB DIVISION,  
THIRUVARUR DISTRICT.

3 THE INSPECTOR OF POLICE  
PERUGAVAZHATHAN POLICE STATION,  
THIRUVARUR DISTRICT.

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

+1 CC to M/s.M.KARUNANIDHI, Advocate ( SR-406[I] dated 09/01/2024 )

ORDER  
IN

Crl.M.P.(MD) No.17783 of 2023  
in

Crl.A.(MD) No.1111 of 2023  
Date :08/01/2024

RK/VR (10/01/2024) 5P / 6C

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