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*Crl.MP.No.7600 of 2024
in Crl.A.No.850 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**Crl.MP.No.7600 of 2024
in
Crl.A.No.850 of 2023**

1.Rahiman

2.Anandan

3.Senthilvel @ Senthil

...Petitioners

Vs

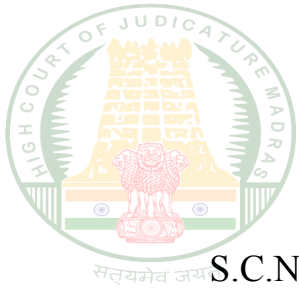
1.The Deputy Superintendent of Police
Tindivanam Sub Division,
Tindivanam.

2.The Inspector of Police,
Roshanai Police Station,
Villupuram.

3.Kannan

...Respondents

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of
Crl.P.C. to suspend the sentence imposed by Judgment dated 28.06.2023 in



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S.C.No.104 of 2015 on the file of the learned Judge of Sessions/Special Court for Exclusive Trial of cases registered under SC/ST (Prevention of Atrocities) Act, 1989 Villupuram District and release the petitioners on bail pending disposal of the above Criminal Appeal.

For Petitioners : Mr.M.Mohamed Riyaz
for Mr.A.Kalaiazahan

For R1 & R2 : Mr.S.Raja Kumar,
Additional Public Prosecutor

ORDER

(Order of the Court was made by N.SENTHILKUMAR,J.)

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioners/A2 to A4, by judgment and order dated 28.06.2023 passed in SC No.104 of 2015 on the file of the Sessions/Special Court for Exclusive Cases registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram District.

2. The petitioners/A2 to A4 in the above Sessions Case was convicted and sentenced as follows:

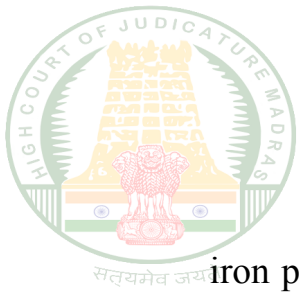


Offence	Sentence imposed
302 IPC r/w 3(2)(v) of the SC/ST Act	To undergo rigorous imprisonment for life and to pay a fine of Rs.25,000/- in default to undergo rigorous imprisonment for three years.

3. Challenging the above conviction and sentence, the petitioners have filed the above Criminal Appeal and they seek suspension of sentence and bail in the present petition.

4. Heard Mr.M.Mohamed Riyaz, learned counsel for the petitioners and Mr.S.Raja Kumar, learned Additional Public Prosecutor appearing on behalf of the Police.

5. The case of the prosecution is that, on 02.05.2010 at about 08.45 P.M., the deceased had gone to take dinner in the Hotel owned by the accused, wherein there was a wordy quarrel between the deceased and the accused with regard to the quality of the food supplied, as a result of which, A2 assaulted the deceased in the head with a knife and thereafter with an



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iron pipe and A3 and A4 also attacked the deceased with a wooden log and knife respectively, together with A5 to A9, which resulted in the death of the accused.

6. By an order dated 27.03.2024 passed in Crl.M.P.No.14635 of 2023, a Co-ordinate Bench of this Court has considered the case of A1 and suspended his sentence, by making the following observations:-

.... “9. P.W.1 had admitted in his evidence that the police were present at the scene of occurrence at 9.00 p.m. on 02.05.2010. This is confirmed by the evidence of P.W.36, who would state that he went to the scene of the occurrence at 7.30 p.m, on 02.05.2010 and that he saw the deceased lying near a tree which is contrary to the prosecution case. According to the prosecution, the FIR was registered at 1.30 a.m. on the next day [03.05.2010]. It is further the case of the prosecution that the accused were arrested on 04.05.2010. However, P.W.1 had stated that he had identified the accused at the police station on 03.05.2010.

10. Considering the above facts and finding



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force in the submission of the learned counsel for the petitioner, the illness of the petitioner, and the fact the appeal is not likely to be taken up in the near future, we are inclined to grant the relief of suspension of sentence to the petitioner herein.

11. Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and the sentence imposed on the petitioner is suspended on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two independent sureties, each for a like sum to the satisfaction of the learned Sessions/Special Court for Exclusive Trial of cases registered under SC/ST (Prevention of atrocities) Act, 1989 Villupuram District;*
- (ii) The petitioner and 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 and mobile numbers to ensure their identity; and*
- (iii) The petitioner shall appear before the trial Court on the first working day of every month at*



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10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.”

7. The aforesaid observations will squarely apply to the case of the petitioners herein as well, as they stand on the same footing. Further, considering the fact that the appeal is not likely to be taken up in the near future, we are inclined to grant the relief of suspension of sentence to the petitioners herein.

8. Accordingly, this Criminal Miscellaneous Petition stands allowed and the sentence of imprisonment is suspended and the sentence imposed on the petitioners is suspended on the following conditions:-

(i) The petitioners shall execute a bond for a sum of Rs.25,000/-, with two independent sureties, each for a like sum to the satisfaction of the learned Sessions/Special Court



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for Exclusive Trial of cases registered under SC/ST
(Prevention of atrocities) Act, 1989 Villupuram District;

(ii) The petitioners and 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 and mobile numbers to ensure their identity; and

(iii) The petitioners shall appear before the Trial Court on the first working day of every month at 10.30 A.M. until the disposal of the appeal and if they are not able to appear before the Trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of their absence, as directed by the Trial Court.

[M.S.R.,J.] [N.S.,J.]
26.03.2025

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Note: Issue order copy on 27.03.2025



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M.S.RAMESH,J.
and
N.SENTHILKUMAR,J.

hvk

- To
- 1.The Sessions/Special Court
for Exclusive Trial of cases registered under
SC/ST (Prevention of Atrocities) Act,
Villupuram District/
 - 2.The Deputy Superintendent of Police
Tindivanam Sub Division,
Tindivanam.
 - 3.The Inspector of Police,
Roshanai Police Station,
Villupuram.
 - 4.The Superintendent of Prisons,
Central Prison, Cuddalore.
 - 5.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.

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