



Crl.M.P.(MD)No.6666 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24-02-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.6666 of 2024

in Crl.A.(MD)No.560 of 2024

Kombaiah
S/o.Maalai, North Street,
Ayyanaar Kulam Patti,
Seidunganallur,
Srivaikundam Taluk, Thoothukudi District.

Petitioner(s)

Vs

The Deputy Superintendent of Police
Srivaikundam Sub Division,
Thoothukudi.

Respondent(s)

For Petitioner(s):

Mr.M.S.Jeyakarthik
Advocate

For Respondent(s):

Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

ORDER

The petitioner is an accused in S.C.No.118 of 2020 on the file of the learned Special Court for Trial of cases under SC and ST (POA) Act, Thoothukudi. After the trial, the trial Court, by its Judgment dated 08.11.2023, found the petitioner guilty for



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the offences under Sections 294(b) IPC and 324 IPC (3 counts) and Sections 3(1)(r), 3(1)(s) and 3(1)(za)(A) of SC and ST (POA) Act and convicted and sentenced him as follows:

- (i) for the offence under Section 294(b) IPC, to under 3 months imprisonment;
- (ii) for the offence under Section 324 IPC (3 counts), to undergo one year rigorous imprisonment for each count and to pay a fine of Rs.1,000/- for each count with the default sentence of one month simple imprisonment;
- (iii) for the offence under Section 3(1)(r) of SC and ST (POA) Act, to undergo 2 years rigorous imprisonment and to pay a fine of Rs.1,000/-, with the default sentence of one month simple imprisonment;
- (iv) for the offence under Section 3(1)(s) of SC and ST (POA) Act, to undergo 2 years rigorous imprisonment and to pay a fine of Rs.1,000/-, with the default sentence of one month simple imprisonment;
- (v) for the offence under Section 3(1)(za)(A) of SC and ST (POA) Act, to undergo 2 years rigorous imprisonment and to pay a fine of Rs.1,000/-, with the default sentence of one month simple imprisonment;

Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD)No.560 of 2024 along with the petition for suspension of sentence. The Criminal Appeal was admitted by this Court on



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03.07.2024.

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2. The learned counsel appearing for the petitioner submits that P.W.1 to P.W.3 and other eye witnesses, namely, P.W.4 and P.W.5 and Mahazar and Attachi Witnesses, namely, P.W.8, P.W.11, P.W.13 and P.W.14 did not support the case of the prosecution and they were treated as hostile witnesses. He further submits that with regard to the injuries, there are contradictions between the evidence of P.W.1 and P.W.3 and medical evidence of P.W.8 to P.W.10. He further submits that Form 91 was produced before the jurisdictional Court on 27.12.2018, but, it was returned with an endorsement that the property was not produced. Further, the material objects were produced before the jurisdictional court, after the lapse of nearly 87 hours. Since the petitioner is having arguable points in this appeal, he seeks suspension of sentence.

3. Heard the learned Government Advocate (Crl. Side).

4. Considering the period of incarceration and since the petitioner is having arguable points in this appeal and there is no likelihood of listing the criminal appeal for final hearing in the near future, this Court is inclined to suspend the sentence imposed on the petitioner.

5. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged



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on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only)

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with two sureties each for a like sum to the satisfaction of the Special Court for trial of cases under SC & ST (POA) Act, Thoothukudi and on further condition that the petitioner shall appear before the said Court on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal.

sd/-
24/02/2025

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24/02/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY
TO
1 THE JUDGE,
SPECIAL COURT FOR TRIAL OF CASES UNDER SC & ST (POA) ACT,
THOOTHUKUDI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

3 THE DEPUTY SUPERINTENDENT OF POLICE
SRIVAIKUNDAM SUB DIVISION,
THOOTHUKUDI.

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



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ORDER
IN
Crl.M.P.(MD)No.6666 of 2024
in Crl.A.(MD)No.560 of 2024
Date :24/02/2025

SA/SAR. /24.02.2025/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.