

**Petitioner Vs. Respondent**

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**Court :** Chennai

**Decided On :** Dec-20-2016

**Judge :** M. Venugopal

**Appeal No. :** Crl.M.P.No. 13480 of 2016 In Crl.A.No. 830 of 2016

**Appellant :** Petitioner

**Respondent :** Respondent

**Judgement :**

**M. Venugopal, J.**

1. Heard Mr.R.Muniyapparaj, Learned counsel for the Petitioners/ Appellants and Mr.R.Ravichandran, Learned Government Advocate (Crl. Side) for the Respondent/Complainant.

2. The Petitioners/Appellants/A1 to A3 have preferred the present Criminal Appeal before this Court being dissatisfied with the Judgment dated 18.11.2016 in Spl.S.C.No.187 of 2015 passed by the Learned Sessions Judge, Special Court for exclusive trial of cases registered under Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram.

3. It transpires that the 1<sup>st</sup> Petitioner/1<sup>st</sup> Appellant/A1 was found guilty by the trial Court in respect of an offence under Section 335 of the Indian Penal Code and

was convicted to undergo Simple Imprisonment for a period of three years and further, he was directed to pay a fine of Rs.2,000/-, in default of payment of said fine amount, he was directed to undergo further Simple Imprisonment for nine months. In so far as the charge punishable under Section 3(1)(x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is concerned, the Petitioners/ Appellants/A1 to A3 were convicted and sentenced to undergo Simple Imprisonment for a period of one year each and further, they were directed to pay a fine of Rs.5,000/- each and in default of payment of said fine amount, they were directed to undergo Simple Imprisonment for three months each.

4. It comes to be known that the 1<sup>st</sup> Petitioner/1<sup>st</sup> Appellant/A1 was not guilty under Section 3(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and he was acquitted by the trial Court. However, the Petitioners 2 and 3/ Appellants 2 and 3/A2 and A3 were found not guilty in respect of an offence under Section 324 I.P.C. and they were acquitted in terms of the ingredients of Section 235(1) Cr.P.C.

5. Per contra, it is the submission of the Respondent/ Prosecuting Agency that the trial Court had taken into account the entire oral and documentary evidence available on record and found the 1<sup>st</sup> Petitioner/1<sup>st</sup> Appellant/A1 guilty under Section 335 I.P.C. and also found the Petitioners/Appellants/A1 to A3 guilty in respect of an offence under Section 3(1)(x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and necessary punishments were imposed on them, besides imposition of fine amounts on them.

6. It is to be noted that filing of an 'Appeal' by the dissatisfied parties (as aggrieved persons), as against the Judgment of the trial Court in Spl.S.C.No.187 of 2015 dated 18.11.2016, is a statutory right envisaged under relevant provision of the Criminal Procedure Code and that the Petitioners/Appellants have exercised the same, by filing the instant Criminal Appeal before this Court.

7. At this stage, this Court has perused the various grounds set out by the Petitioners/Appellants/A1 to A3 in the 'Memorandum of Grounds of Appeal' and is of the considered view that the Petitioners/Appellants/A1 to A3 have raised tangible/arguable points which require detail consideration in the hands of this

Court at the time of final hearing of the Appeal.

8. It is represented before this Court on behalf of the Petitioners/Appellants/A1 to A3 that a total sum of Rs.17,000/- as fine was paid by the Petitioners/Appellants/A1 to A3 before the trial Court itself.

9. Inasmuch as the Petitioners/Appellants/A1 to A3 have focused the instant Criminal Appeal before this Court and also this Court taking note of yet another essential fact that an 'Appeal' is a continuation of Original Proceedings viz., that of the proceedings in Spl.S.C.No.187 of 2015 (on the file of the trial Court) and also, this Court, considering the fact that the present Criminal Appeal is not likely to be heard in the near future and also by looking into the attendant facts and circumstances of the instant case which float on the surface, at this stage, is inclined to suspend the Substantial Sentence of Imprisonment alone and orders the release of the Petitioners/Appellants/A1 to A3 on each of them executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a like sum to the satisfaction of the Learned Sessions Judge, Special Court for exclusive trial of cases registered under Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram and on further condition that they shall appear before the said Court on every Monday and Thursday at 11.00 a.m. without fail till the disposal of the Criminal Appeal.

10. Accordingly, the CrI.M.P.No.13480 of 2016 is ordered, on above terms.

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