

Petitioner Vs. Respondent

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Court : Chennai

Decided On : Dec-12-2016

Judge : M. Venugopal

Appeal No. : Crl.M.P.No. 13210 of 2016 In Crl.A.No. 812 of 2016

Appellant : Petitioner

Respondent : Respondent

Judgement :

M. Venugopal, J.

1. Heard both sides.

2. The Petitioners/Appellants/A1 to A4 have preferred the instant Criminal Appeal before this Court (as aggrieved persons) as against the Judgment dated 17.11.2016 in Spl.C.C.No.258 of 2015 passed by the Learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. It comes to be known that the Petitioners/Appellants/A1 to A4 were found guilty in respect of an offence punishable under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and they were convicted and sentenced to undergo simple imprisonment for one year each and also they

were ordered to pay a fine of Rs.5,000/- each, in default of payment of fine, they were ordered to undergo further simple imprisonment for three months. In so far as the offence under Section 323 (3 counts) of I.P.C. was concerned, the Petitioners/ Appellants/A1 to A4 were found guilty and they were convicted and sentenced to undergo simple imprisonment for a period of three months each (in each count) and they were ordered to pay a fine of Rs.1,000/- each for each count i.e. Rs.3,000/- (Rupees Three Thousand only) each and in default of payment of said fine, they were directed to undergo simple imprisonment for 22 days each for each count. In regard to the offence under Section 326 I.P.C. was concerned, the 4th Petitioner/4th Appellant/A4 was found guilty and he was convicted and sentenced to undergo simple imprisonment for a period of two years and also directed to pay a fine of Rs.5,000/- and in default of payment of fine, he was ordered to undergo simple imprisonment for six months etc.

4. It is represented on behalf of the Petitioners/Appellants that the 1st Petitioner/A1 had remitted a fine of Rs.8,000/- before the trial Court. Also that, the 2nd Petitioner/A2 had paid a fine amount of Rs.8,000/-. Likewise, the 3rd Petitioner/A3 had remitted a fine of Rs.8,000/-. As a matter of fact, the 4th Petitioner/A4 had remitted a sum of Rs.13,000/-. In all, a sum of Rs.37,000/- was remitted towards fine before the trial Court by the Petitioners/Appellants/ A1 to A4 .

5. It is to be noted that in Law, an 'Appeal' is a continuation of Original Proceedings viz., that of the trial Court. In the present case, the Petitioners/Appellants/A1 to A4 have exercised their right of 'Appeal' as envisaged under the Criminal Procedure Code. At this juncture, this Court, on perusal of the numerous grounds set out in 'Memorandum of Grounds of Appeal' projected by the Petitioners/ Appellants/A1 to A4, is of the considered view that the Petitioners/ Appellants/A1 to A4 have raised some arguable/substantial points which require detail rumination in the hands of this Court at the time of final hearing of the main Criminal Appeal.

6. Inasmuch as the Petitioners/Appellants/A1 to A4 have preferred the instant Criminal Appeal before this Court and also this Court, bearing in mind yet another prime fact that the present Criminal appeal is not likely to be heard in the near

future and also considering the entire conspectus of the attendant facts and circumstances of the present case in an integral manner, at this stage, is inclined to suspend the substantial sentence of imprisonment alone in respect of the Petitioners/Appellants/A1 to A4 and orders the release of the Petitioners/Appellants/A1 to A4 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 the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, Villupuram and on further condition that they shall appear before the said Court on the First Working day of every English calendar month at 11.00 A.M. without fail until further orders.

7. Accordingly, the Crl.M.P.No.13210 of 2016 is ordered.

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