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CRL.MP.No.4506 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2026

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.MP.No.4506 of 2026
in CRL.A.No.261 of 2026

Jayamoorthy

..Petitioner(s)

Vs.

1. The State of Tamil Nadu rep.by,
The Deputy Superintendent of Police,
Vikravandi Sub-Division,
Periyathachur Police Station,
Villupuram District.
(Cr.No.89/2025)

2. Sanjay

..Respondent(s)

Prayer : Criminal Miscellaneous Petition filed under Section 430 of BNSS, seeking to suspend the sentence passed by the learned Special Court for Exclusive Trial of Cases registered under the Schedule Castes and the Scheduled Tribes (Prevention of Atrocities) Act, Villupuram, convicting the petitioner, vide dated 30.01.2026 passed in Special S.C.No.44 of 2025 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.M.Devaraj

For R1 : Ms.J.R.Archana,
Government Advocate



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ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence of imprisonment, imposed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (PoA) Act, Villupuram District in Spl.SC.No.44 of 2025 vide judgment dated 30.01.2026 and to enlarge the petitioner/appellant on bail, pending disposal of the Criminal Appeal.

2. The petitioner/appellant was convicted for the offence under Section 118 of BNS Act and was sentenced to undergo rigorous imprisonment for 3 years and to pay a fine of Rs.1,000/-, in default, to undergo rigorous imprisonment for 6 months. The period of incarceration already undergone was ordered to be set off under Section 468 of BNSS.

3. The prosecution's case as presented by the second respondent/de-facto complainant is that while he and his friends were returning from a music concert on motorcycles, the petitioner/appellant, who was driving an autorickshaw, excessively used his horn and directed caste-based slurs at him, remarking that 'these people' will never give way. When the second respondent/de-facto complainant questioned this conduct, the petitioner/appellant allegedly



reaffirmed his actions and assaulted the second respondent/de-facto complainant with a screwdriver, inflicting injuries to the head and the area near the left eyebrow. In the melee, the second respondent/de-facto complainant also sustained injuries to his left hand and the right side of his nose. Consequently, the second respondent/de-facto complainant lodged a complaint against the petitioner/appellant in Crime No.89 of 2025, leading to his arrest.

4. Aggrieved by the aforesaid conviction and sentence, the petitioner/appellant has preferred the present appeal along with a petition seeking suspension of sentence and his enlargement on bail.

5. The learned counsel for the petitioner/appellant submitted that the petitioner/applicant has been falsely implicated in this case due to previous enmity with the second respondent/de-facto complainant. He also submitted that the Trial Court, vide order dated 30.01.2026, suspended the sentence of the petitioner/appellant for a period of 30 days, which was subsequently extended by the Trial Court. The learned counsel further submitted that there are arguable points in the Criminal Appeal, which is unlikely to be taken up for final hearing in the near future and that the petitioner/appellant has a fair chance



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of succeeding in the appeal and hence, the sentence imposed on the petitioner/appellant may be suspended

6. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/Police submitted that the prosecution has established the case beyond reasonable doubt and the petitioner/appellant has not made out any case for suspension of sentence.

7. Despite service of notice on the second respondent/de-facto complainant and his name being printed in the cause list, none appeared on his behalf.

8. Heard the learned counsel for the petitioner/appellant and the learned Government Advocate (Criminal Side) for the respondent/Police and perused the materials on record.

9. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side, this Court is inclined to grant the relief of suspension of sentence to the



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petitioner/appellant, till the disposal of the Criminal Appeal, on the following conditions :-

(i) The petitioner/appellant shall execute 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 Special Court for Exclusive Trial of Cases under the Schedule Caste and the Scheduled Tribes (Prevention of Atrocities) Act, Villupuram District.

(ii) The petitioner/appellant and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Passbooks to ensure their identities.

(iii) The petitioner/appellant shall appear before the Trial Court on the first working day of every English calendar month at 10.30 a.m., until the disposal of the Criminal Appeal.

10. This Criminal Miscellaneous Petition stands ordered accordingly.

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A.D.JAGADISH CHANDIRA, J.

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To

1.The Deputy Superintendent of Police,
Vikravandi Sub-Division,
Periyathachur Police Station,
Villupuram District.

2.The Sessions Judge,
Special Court for Exclusive Trial of Cases
under SC/ST (PoA) Act,
Villupuram District.

3.The Public Prosecutor,
High Court of Madras.

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