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Crl.M.P.No.7901 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2026

CORAM:

THE HON'BLE MR.JUSTICE **M.NIRMAL KUMAR**

Crl.M.P.No.7901 of 2026

in

Crl.A.No.573 of 2026

Ekambaram

...Petitioner

Vs.

1. State rep. by the Deputy Superintendent of Police,
Mamallapuram Police Station,
Chengalpattu District.
(Crime No.64 of 2009)
2. Kannammal,
The Tahsildar,
Thirukalkundram Taluk, Chengalpattu District.
3. Elumalai
4. Sumathi
5. Maheswari
6. Ganesan
7. Mariyammal
8. Anjalai
9. Kamatchi

...Respondents

Prayer: Criminal miscellaneous petition filed under Section 389(1) r/w. 439 of Cr.P.C. r/w. 430(1) r/w. 483 of BNSS, seeking to suspend the sentence imposed on the petitioner by the learned Principal District and

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Sessions Judge, Chengalpattu in S.C.No.60 of 2010 dated 16.04.2026, convicting the appellant/accused 2 herein (i) under Section 16 of Bonded Labour System (Abolition) Act and sentencing him to undergo 3 years RI and imposed a fine of Rs.2,000/- in default to undergo 1 month SI and; (ii) under Section 3(1)(XI) of SC/ST (PoA) Act and 354(A) of IPC cumulatively and sentencing him to undergo 5 years RI and imposed a fine of Rs.5,000/- in default to undergo 3 months SI and directed to run the sentences consecutively and the total fine amount is Rs.7,000/- and enlarge the petitioner on bail, pending disposal of the above criminal appeal on the file of this Court.

For Petitioner : Ms.R.Sangeetha

For Respondents : Mr.Durai Gunasekaran, GA(Crl. Side),
Assisted by Mr.Arul Raj, for R1
: Ms.K.Swetha, Legal Aid Counsel, for R3 to 9

ORDER

This criminal miscellaneous petition has been filed seeking suspension of sentence of imprisonment imposed on the petitioner, vide judgment dated 16.04.2026 made in S.C.No.60 of 2010 by the learned Principal District and Sessions Judge, Chengalpattu.

2. The conviction and sentence imposed on the petitioner/appellant, vide impugned judgment dated 16.04.2026 are as follows:-



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<i>Sl. No.</i>	<i>Sections</i>	<i>Imprisonment</i>	<i>Fine amount</i>
1.	U/s. 16 of the Bonded Labour System (Abolition) Act, 1976	Sentenced to Rigorous Imprisonment for 3 years and imposed a fine of Rs.2,000/- (Two Thousand Only) in default to undergo Simple Imprisonment for one month.	Rs.2,000/-
2.	U/s. 3(1)(xi) of SC/ST (PoA) Act and 354(A) of IPC	Sentenced to Rigorous Imprisonment for 5 years and imposed a fine of Rs.5,000/- in default to undergo Simple Imprisonment for three months.	Rs.5,000/-
The sentences were ordered to run consecutively.			

3. The brief facts of the case are as follows:-

3.1. The deceased 1st accused viz., Veerasamy, owned and operated a rice mill under the name and style of 'M/s.Veerasamy Naicker Rice Mill' situated at Vadakadampadi Madura Kattuthangal Village, Poonjeri Post, Thirukalukundram Taluk and the petitioner herein/A2 was working as a Machine Operator in the said rice mill and that both the accused have confined nine victims, who belong to Hindu Irular Community by giving them illegal advances and forced them to work in the rice mill. However, the said victims were given wages less than the minimum wages, thereby, ensuring that the advance amount is never repaid and the accused persons have maintained control over the victims and physically and verbally



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abused them and prevented them from travelling or working freely, unless they repaid the illegal advances in full.

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3.2 The main allegation against the petitioner herein is that he confined a minor victim girl viz., P.W.2 in a room at the above rice mill and attempted to rape her and also sexually abused her on several occasions.

3.3 In such circumstances, on 06.02.2009, upon receipt of an information from the International Justice Mission, the Revenue Divisional Officer, Chengalpattu and the Tahsildar, Thirukalukundram, visited the rice mill operated by the deceased 1st accused, enquired the labourers, found the nine victims who were confined in the said rice mill and released them. Thereafter, the Tahsildar, Thirukalukundram, the 2nd respondent herein lodged a complaint before the Inspector of Police, Mamallapuram Police Station, pursuant to which, a case in Crime No.64 of 2009 came to be registered for the offences under Sections 374 of IPC, Sections 16, 17 & 18 of the Bonded Labour System (Abolition) Act and Section 3(i)(vi) of the SC/ST (PoA) Act, 1989. During the investigation, the Deputy Superintendent of Police, Mamallapuram (Investigation Officer) altered the said FIR by adding the offences under Sections 376 r/w. 511 of IPC as against the petitioner herein.



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3.4 After completion of investigation, the final report was filed

against the deceased 1st accused and the petitioner herein for the offences under Sections 374 of IPC, Sections 16, 17 & 18 of the Bonded Labour System (Abolition) Act, 1976, Section 3(i)(vi) of the SC/ST (PoA) Act, 1989, Section 376 r/w. 511 of IPC and Section 3(i)(xi) of the SC/ST (PoA) Act, 1989.

3.5 The cognizance of the offence was taken by the learned Principal District Munsif cum Judicial Magistrate, Thirukalukundram in P.R.C.No.12 of 2009 and later the case was taken on file by the learned Principal District and Sessions Judge, Chengalpattu in S.C.No.60 of 2010. After hearing the counsel on both sides, charges were framed against the accused.

3.6 On the side of the prosecution, PW1 to PW16 were examined and Exhibits P1 to P30 were marked. On the side of the defence, neither any witness was examined nor any document was marked.

3.7 The trial Court, after hearing the arguments on both sides and upon consideration of the entire materials on record, found the petitioner/appellant/Accused No.2, guilty of the offences under Section 16 of the Bonded Labour System (Abolition) Act and Section 3(1)(XI) of SC/ST (PoA) Act and 354(A) of IPC cumulatively and convicted and sentenced him as stated above, *vide* judgment dated 16.04.2026.



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3.8 Aggrieved by the above conviction and sentence imposed by

the learned Principal District and Sessions Judge, Chengalpattu on the petitioner/appellant, the petitioner has preferred an appeal in Crl.A.No.573 of 2026 along with this miscellaneous petition seeking suspension of sentence, pending disposal of the above appeal.

4. Learned counsel for the petitioner/appellant made the following submissions:-

4.1 The petitioner herein is A2 and he is innocent and has not committed any offence as alleged by the prosecution and since the main accused A1, the owner of the rice mill passed away, pending trial, the charges against A1 stood abated and the petitioner has been wrongly implicated in this case by way of an exaggerated complaint;

4.2 Even the alleged bond labourers/victims, who have examined themselves as P.W.10 to P.W.16 in this case, have clearly confirmed that they have received salary and advance only from the 1st accused and not from the petitioner herein/A2 and the petitioner is not the one who employed them in the rice mill of the deceased 1st accused;

4.3 Though the petitioner's name did not find place in the FIR initially, as the complaint has been given by the Tahsildar, pursuant to the information received from the International Justice Mission, the



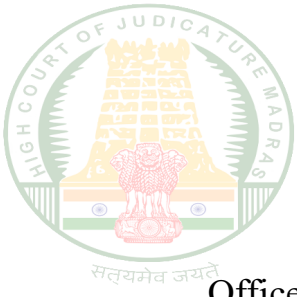
respondent-police have shown unnecessary enthusiasm, exaggerated the complaint and falsely implicated the petitioner herein in this case;

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4.4 Though the charge of attempt to rape has been made against the petitioner, the trial court, rightly found that there is no attempt to rape made by the petitioner, however, convicted the petitioner for the offence of outraging of women modesty;

4.5 Further, the Deputy Superintendent of Police, Mamallapuram /P.W.8 had admitted that in the Observation Mahazar and Rough Sketch, marked as Exs.P.18 and 19 respectively, there is nothing to show that the rice mill is a compounded area or a secured place and that the victims in this case viz., P.W.10 to P.W.16 all belong to the same village where the rice mill is situated and therefore, it is clear that there is no illegal confinement as projected by the prosecution;

4.6 With regard to receipt of illegal advance and minimum wages, it has been dealt with only by the deceased 1st accused and not the petitioner and the same has also been admitted by the victims themselves and thereby, the petitioner cannot be charged with the offence of bonded debt or bonded labour, as there is no material to show that such bonded labour system was employed by the petitioner, and hence, the conviction of the petitioner under Section 16 of the Bonded Labour System (Abolition) Act, 1976 is not sustainable;



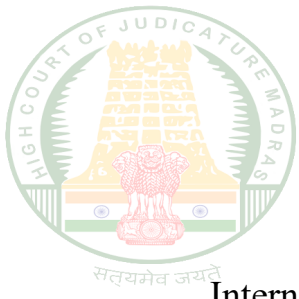
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4.7 Pursuant to the visit conducted by the Revenue Divisional

Officer, Chengalpattu and the Tahsildar, Thirukalukundram on 06.02.2009, upon receipt of an information from the International Justice Mission, though the FIR has been registered as early as on 12.02.2009 however, the statement of the witnesses were recorded only on 29.10.2009, which is after a delay of about eight months and thereafter, with a further delay, the same has been sent to the court;

4.8 The Revenue Divisional Office, P.W.4, issued release certificate of the victims and the same were marked as Exhibits P.7 to 15 and P.W.5, the Revenue Divisional Officer, Chengalpattu issued the Community Certificate of the victims and the same was also marked as Ex.P.16 and even in the report/letter sent by the Revenue Divisional Officer to the District Collector with regard to the allotment of habitation amounts to the victims, there is no reference made about the petitioner;

4.9 While so, later during the evidence, there has been some improvement and some exaggerations and in order to somehow falsely implicate the petitioner, the statements have been recorded and the said statement of the witnesses are contrary with regard to the material evidence as against the petitioner and with regard to the charge of outraging the women modesty, the evidence of P.W.12 and P.W.14 are also doubtful;



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4.10 Further, though the complaint has been made by the

International Justice Mission, no one from the International Justice Mission has been examined to substantiate the allegations made against the petitioner in the complaint and the trial court, on a wrong appreciation of the evidence, convicted the petitioner as stated above and also ordered the sentence to run consecutively without any reason;

4.11 The petitioner/appellant/A2 is a senior citizen aged about 63 years and is in prison from the date of the impugned judgment ie., 16.04.2026, which is for a period of about three months and is suffering from serious health ailments. Hence, the learned counsel for the petitioner prayed for suspension of sentence of imprisonment imposed on the petitioner, vide judgment dated 16.04.2026, by allowing this petition.

5. Learned Government Advocate (Crl. Side) appearing for the 1st respondent strongly opposed the submissions made by the learned counsel for the petitioner and made the following submissions:-

5.1 On coming to know that the victims P.W.10 to P.W.16 have been wrongfully confined and were forced to work as bonded labourers on payment of wages less than the minimum wages in the rice mill of the deceased 1st accused, the International Justice Mission, an NGO, working for the upliftment and redressal of grievances of marginalized and

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deprived people, made a written complaint on 06.02.2009 and upon

receipt of the said complaint, the Revenue Divisional Officer and the

Tahsildar, visited the rice mill operated by the deceased 1st accused,

enquired the labourers, found the nine victims/P.W.10 to P.W.16, who

were confined in the said rice mill, recorded their statement and

thereafter, issued release certificates in their favour, which are marked as

Exhibits P.7 to P.15;

5.2 The deceased 1st accused was the owner of the rice mill and the petitioner herein/A2 was the right-hand man of the said deceased A1, who was instrumental in procuring/fetching the bonded labourers;

5.3 Further, P.W.7, the Inspector of Police, Mamallapuram Police Station had received the complaint and thereafter, registered an FIR in Crime No.64 of 2009 and the P.W.8 & P.W.9, the Deputy Superintendents of Police are the Investigating Officers, who conducted investigation, visited the scene of occurrence, prepared observation mahazar, recorded the statement of witnesses, including the victims and thereafter, collected the community certificate from the Revenue authorities and also the identity details of the victims and the victims' Aadhar Cards, Voters identification cards and family cards have also been produced before the trial court to show that victims though had separate residence, they were confined in the rice mill of the deceased 1st accused as bonded labourers;

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5.4 During trial, the witnesses including the victims were examined as P.W.1 to P.W.16 and Exhibits P.1 to 30 were marked to substantiate the contents of the FIR and the allegations made against the petitioner;

5.5 The petitioner, taking advantage of the fact that the 1st accused passed away, is making attempts to shift the entire allegations on the deceased 1st accused. Further, P.W.12 and P.W.14, who are the victims having confirmed that it is the petitioner/A2, who confined them in the motor room and attempted to outrage their modesty.

5.6 The trial court, after careful consideration of all these aspects and also the material evidence, rightly found the petitioner guilty of the offences under Section 16 of the Bonded Labour System (Abolition) Act and Section 3(1)(XI) of SC/ST (PoA) Act and 354(A) of IPC cumulatively and convicted and sentenced as stated above, which cannot be said to be erroneous and accordingly, he prayed for dismissal of this petition.

6. Ms.K.Swetha, learned Legal Aid Counsel appointed by this Court for the respondents 3 to 9, has prepared short notes and a counter affidavit narrating the sequence of events culled out from the judgment and the materials on record and the same is as follows:-



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6.1 The trial court, had rightly appreciated the evidence of the victims P.W.10 to P.W.16, who all belong to Scheduled Tribe (Hindu Irular) Community and their statements are corroborated by the executive rescue reports and official certificates.

6.2 The rescue was on 06.02.2009 and the FIR was registered on 12.02.2009 and the petitioner/accused No.2 had successfully protracted the trial proceedings for the past seventeen years, thereby, causing grave prejudice to the victims by preventing them from getting justice within the reasonable time.

6.3 The non-examination of the International Justice Mission team, in no way dents the case of the prosecution and upon receipt of the information, the Revenue Divisional Officer and the Tahsildar visited the rice mill of the deceased 1st accused, found the bonded labourers, rescued them and issued release certificate, confirming the genuineness of the complaint. It is not the mode of complaint and only the material of the complaint is required and even oral information is sufficient in a case of such serious nature and in the present case, written complaint has been made and the same has been confirmed by the immediate action of rescue and re-habitation of the victims.

6.4 The contention of the petitioner/A2 that he was a mere daily wage machine operator and that he has no control over the victims cannot

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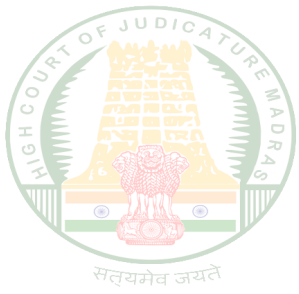
be accepted, since the same is contrary to the evidence of the victims

P.W.10 to P.W.16/bonded labourers, who have clearly stated about the petitioner/ A2 who is the prime person, had brought them to the mill and enforced strict restrictions on their movement and also committed assault on the victims. The trial court, after considering all these aspects, rightly convicted and sentenced the petitioner as stated above, which cannot be said to be erroneous and the same does not warrant any interference of this Court.

6.5 Further, reliance has been placed by the learned legal aid counsel on the following decisions of the Apex Court to hold that the providing labour or service for remuneration less than the legal minimum wage constitutes 'forced labour' under Article 23 of the Constitution and that strict enforcement of welfare and labour laws is mandatory and that the testimonies of rustic, illiterate and oppressed witnesses must be appreciated considering their social backgrounds and that any minor discrepancies caused by arduous cross-examination cannot destroy the core truth of their evidence:-

(i) People's Union for Democratic Rights (PUDR) Vs. Union of India (AIR 1982 SC 1473);

(ii) Bandhua Mukti Morcha Vs. Union of India (AIR 1984 SC 802) and;



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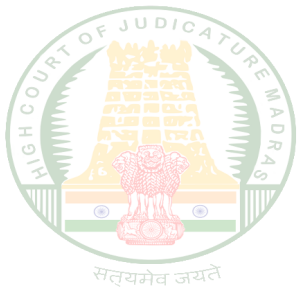
(iii) *State of U.P. Vs. Krishna Master & Ors. Reported in ((2010)*

12 SCC 324).

7. Heard the learned counsel on either side and perused the materials available on record.

8. It is seen that the deceased 1st accused Veerasamy is the owner of the rice mill operated under the name and style of 'M/s.Veerasamy Naicker Rice Mill' situated at Vadakadampadi Madura Kattuthangal Village, Poonjeri Post, Thirukalukundram Taluk and the petitioner herein/A2 was working as a Machine Operator in the said rice mill. In this case, initially, the petitioner is not shown as accused in the FIR and he was arrayed as accused at a later point of time.

9. As rightly pointed out by the learned counsel for the petitioner/appellant, neither in the release certificates of the victims, which were marked as Exhibits P.7 to P.15 nor in the letter sent to the District Collector by the Revenue Divisional Officer, which was marked as Ex.P.23, there is any reference about the petitioner/A2.



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10. Thus, it is seen that originally there is no allegation made against the petitioner and subsequently, the petitioner's role has been revealed, but again with some exaggeration. Further, the victims/bonded labourers, P.W.10 to 16 have categorically admitted that the illegal advances and wages were paid to them by the deceased A1 and not by the petitioner/A2. Hence, the conviction of the petitioner under Bonded Labour System (Abolition) Act needs reconsideration.

11. As regards the allegation of outraging the women modesty made against the petitioner under Section 354(A) of IPC, which is made on the basis of the evidence of P.W.10 and P.W.14 is concerned, once again there are improvements and some exaggerations and there is also contradictions in their evidence, which have to be reconsidered.

12. In view of the above, this Court is of the view that the petitioner has a good case for appeal and that there are arguable points available in the criminal appeal and also considering the fact that the petitioner herein is a senior citizen and has been kept in incarceration over a period of three months and that he is suffering from health ailments and also considering the fact that the appeal will not be taken up



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immediately for final hearing, I am inclined to suspend the sentence imposed on the petitioner by the trial Court.

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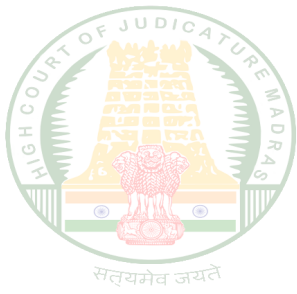
13. In view of the above, the sentence of imprisonment imposed on the petitioner is suspended and the Petitioner/Accused No.2 is to be enlarged on bail, pending disposal of the appeal, subject to the following conditions:-

(i) The petitioner/Appellant/Accused No.2 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Thirukalukundram;

(ii) The Petitioner/Appellant/Accused No.2 and the sureties shall affix their photographs and Left Thumb Impressions 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/Appellant/Accused No.2 shall appear before the trial Court at 10.30 a.m., once in every three months, without fail, until further orders;

(iv) On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned



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Magistrate/Trial Court himself as laid down by the
Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala*
[(2005)AIR SCW 5560].

14. Accordingly, this Criminal Miscellaneous Petition stands
ordered.

15. This Court appreciates the efforts taken by Ms. K. Swetha,
the learned Legal Aid Counsel appointed by this Court for respondents 3
to 9, for her meticulous review of the case records and for preparing a
well reasoned counter affidavit with all necessary particulars and details,
while aptly referring to the decisions of the Apex Court on all crucial
points. The Legal Services Authority concerned is directed to pay the
prescribed remuneration to her.

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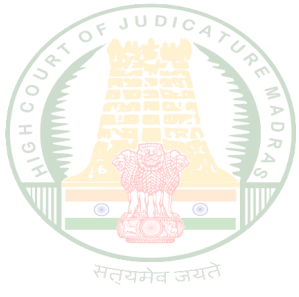
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Note to office: Issue order copy on 24.07.2026.

To:

1. The Principal District and Sessions Judge,
Chengalpattu.
2. The Superintendent,
Central Prison,
Puzhal.

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M.NIRMAL KUMAR, J.

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3. The District Munsif cum Judicial Magistrate,
Thirukalukundram.

4. The Deputy Superintendent of Police,
Mamallapuram Police Station,
Chengalpattu District.

5. The Tahsildar,
Thirukalkundram Taluk, Chengalpattu District.

6. The Public Prosecutor,
Madras High Court.

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