



WEB COPY

CRL MP NO. 11590 OF 2
in CRL A No. 806 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL MP NO. 11590 OF 2026

in

CRL A No. 806 of 2026

1. Babu @ Siyambabu
S/o.Abdullathif,
Kangeyam Pudur,
Kangeyam Road,
Tiruppur.
Now at
Tasmac Shop No.1720
Nehru Street, Gandhipuram.

2. Vinoth @ Vinothkumar
S/o.Periyasamy,
Kottur, Devakottai (Via),
Sivagangai,
Now at
Tasmac Shop No.1720
Nehru Street, Gandhipuram.

..Appellant(s)

Vs

The State Represented by
The Assistant Commissioner of Police,
Katoor Range,
Coimbatore District.
Cr.No.1159/2019.

..Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, 2023 praying to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 08.05.2026 made in Spl.S.C.No.65 of 2023 on the file of the Special Court for Trial of Cases under SC/ST (POA), Coimbatore, enlarge the petitioner on bail pending disposal of the above appeal.



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For Appellant(s):

Mr.R.Prabakar

For Respondent(s):

Mrs.Sharada Vivek

Government Advocate (Criminal Side)

ORDER

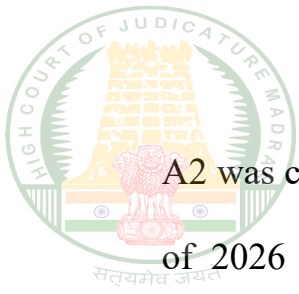
The Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed on the petitioners in the judgment dated 08.05.2026 made in Spl.S.C.No.65 of 2023 on the file of the special Court for Trial of Cases under SC/ST (POA), Coimbatore and enlarge the petitioners on bail pending disposal of the above appeal.

2.The petitioners/A3 and A4 were charged for the offences under Section 302 of I.P.C. and Section 3(2)(v) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act r/w 302 of I.P.C. in Spl.S.C.No.65 of 2023. The Trial Court, by the judgment dated 08.05.2026 acquitted the petitioners for the offences under Section 302 of I.P.C. and Section 3(2)(v) of SC/ST (POA) Act r/w 302 of I.P.C. but convicted the petitioners for the offences under Sections 324 r/w 34 of I.P.C. and sentenced them to undergo three years rigorous imprisonment and to pay a fine of Rs.5,000/- each, in default, to undergo six months simple imprisonment. Aggrieved by the said conviction, the petitioners filed Crl.A.No.806 of 2026 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.



3. The learned counsel for petitioners submitted that the case projected against the petitioners is that the petitioners along with A1 and A2 said to have assaulted the deceased, when the deceased raised objection with regard to higher pricing of cigarette. A1 assaulted him using Chinese iron spoon, A2 assaulted using wooden log and the petitioners assaulted him with their hands, thereafter he was chased away. Subsequently, he stumbled and fell near a medical shop and was taken to Government Hospital, but on the next day, he succumbed to the injuries. The petitioners are not responsible for the injuries which caused the death of the deceased. It is the admitted case of the prosecution that the petitioners only used their hands, which is also corroborated by the evidence of the prosecution witnesses. But the trial Court convicting the petitioners for offence under Section 324 of I.P.C. is not sustainable. Further, the petitioner not used any weapon and invoking Section 34 of I.P.C., without any materials, is also not proper. He further submitted that the trial Court already suspended the sentence of the petitioners till 08.06.2026 in Crl.M.P.No.176 of 2026. Though the petitioners filed the appeal on 05.06.2026, the numbering of the appeal was delayed for some reason. In the meanwhile, the petitioner also informed the trial Court about the delay by way of a memo. Hence, he prayed for granting suspension of sentence to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that in this case, A1 is no more. He died during trial and



A2 was convicted along with the petitioners. A2 filed an appeal in Crl.A.No.646 of 2026 before this Court during Vacation and the Vacation Court granted suspension of sentence and bail to A2. She further submitted that as regards the petitioners, they only used their hands. She further submitted that the trial Court already suspended the sentence of the petitioners till 08.06.2026 in Crl.M.P.No.176 of 2026.

5. Considering the fact that there are arguable points involved in this appeal and it would take some time for the appeal to be taken up for final hearing and the sentence of imprisonment imposed on the petitioners already suspended by the trial Court till 08.06.2026, this Court is inclined to suspend the sentence imposed on the petitioners.

6. Accordingly, the substantive sentence of Imprisonment imposed on the petitioners is suspended till the disposal of the above appeal and petitioners are ordered to be enlarged on bail, on condition that they shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties, each for a like sum to the satisfaction of the trial Court.

7. Further, the petitioners shall appear before the Trial Court once in three months on the first working day at 10.30 a.m., until the disposal of the criminal appeal and if they are not able to appear before the Trial Court on that day, they



shall make arrangements to file an application under Section 317 Cr.P.C. and
shall appear before the Trial Court on any other day in lieu of the date of their
absence as directed by the Trial Court.

8. Accordingly, the Criminal Miscellaneous Petition is ordered.

07-07-2026
(2/2)

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
RSI

To

1. The Sessions Judge,
Special Court for Trial of Cases under SC/ST (POA),
Coimbatore.
2. The Assistant Commissioner of Police,
Katoor Range,
Coimbatore District.
3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR J.

RSI

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