

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-07-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

Crl. M.P. No. 12217 of 2026

in

CRL A No. 845 of 2026

WEB COPY

Prabhu @ Prabhakar
S/o. Panneer,
No.67/66, Melatheru,
Painganadu, Mannargudi Taluk,
Tiruvarur District.

.. Petitioner

Vs

1. State Represented by,
The Deputy Superintendent of Police,
Mannargudi Sub Division,
Tiruvarur District.
(Thirumakottai Police Station Crime No.26/2025)

2. Gajendran

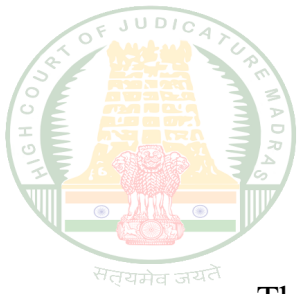
..Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) r/w 483 of the BNSS, 2023, praying to suspend the sentence imposed on the petitioner by the learned Sessions Judge Special Court for trial of Cases under SC/ST (POA) Act, Tiruvarur in Spl.S.C.No.126 of 2025 dated 24.06.2026 and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

For Petitioner(s): Mr. Swami Subramanian

For Respondent-1 : Mrs. Sharada Vivek
Government Advocate (Criminal Side)

For Respondent-2 : Ms. M. Monisha,
Legal Aid Counsel

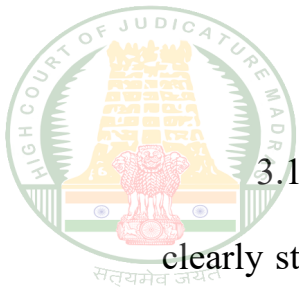


ORDER

This petition has been filed for suspending the sentence imposed in the judgment passed in Spl.S.C.No.126 of 2025 dated 24.06.2026 by the Sessions Judge Special Court for Trial of Cases under SC/ST (POA) Act, Tiruvarur.

2. The petitioner / accused was convicted by the trial Court in Spl.S.C.No.126 of 2025 for offence under Section 3(1)(s) of SC/ST (POA) Act and sentenced to undergo six months simple imprisonment and to pay a fine of Rs.1,000/-, in default, one month simple imprisonment. For the offence under Section 115(2) of BNS r/w 3(2)(va) of the SC/ST (POA) Act, the petitioner was sentenced to undergo six months simple imprisonment and to pay a fine of Rs.1,000/-, in default, one month simple imprisonment. Both the sentences were ordered to run concurrently. Aggrieved by the said judgment of conviction and sentence, the present petition has been filed.

3. The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case. According to the prosecution, on 01.06.2025, when the defacto complainant / victim, PW1 was coming out of the TASMACH shop, the petitioner kicked his cycle and thereafter assaulted him. However, though the alleged occurrence took place on 01.06.2025, the complaint came to be lodged only on 04.06.2025, with a delay of three days.



3.1. It was further submitted that the doctor who examined the victim had clearly stated that there were no external injuries. Pws.2 to 4, are the projected eyewitnesses, who are none other than the relatives of PW1 and they are interested witness. Pws.5 to 7, who are witnesses to the observation mahazar, rough sketch and arrest, have not supported the prosecution case. The remaining witnesses are official witnesses.

3.2. It was further submitted that there is nothing on record to show any previous motive relating to the erection of a flex board. The trial Court without properly appreciating the evidence on record, convicted the petitioner merely on surmises and conjectures. The learned counsel further submitted that the petitioner has been sentenced to undergo six months simple imprisonment and that the sentence has been suspended.

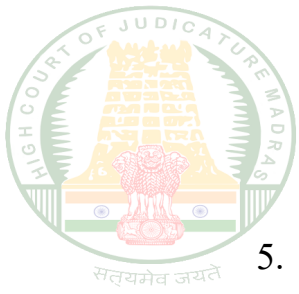
4. The learned Legal Aid Counsel appointed for the 2nd respondent strongly opposed the suspension of sentence and filed a counter, wherein she referred to the evidence on record and submitted that mere delay in lodging the complaint would not be fatal to the prosecution case, provided the delay has been properly explained. In this case, the victim had clearly explained the reason for the delay and Pws.2 to 4, the eyewitnesses, have spoken about the attack made by the petitioner. Further, the investigating officer has also explained the delay in lodging the complaint. The medical evidence corroborates the prosecution case. PW.11, the doctor who examined PW1,



deposed that though no external injuries were found on the victim, he had complained of severe bodily pain, which has also been recorded in the accident register.

4.1. It was further submitted that there was a dispute regarding the erection of a flex board. Had the incident ended merely with assault and verbal abuse, it would have been a normal consequence of such a dispute. However, after knowing that PW1 belonged to Scheduled Caste community, the petitioner intentionally assaulted him in a public place near the TASMACH shop, where members of the public were present, and abused him by uttering his caste name in public. Therefore, considering all these aspects, the trial Court rightly convicted the petitioner.

4.2. The learned Government Advocate submitted that, on the complaint lodged by the defacto complainant, an FIR was registered and on completion of the investigation, charge sheet filed. She further submitted that the defacto complainant was assaulted by the petitioner and was immediately taken to the hospital, where PW11, doctor, examined and treated him. The assault and the abuse by uttering the victim's caste name were witnessed by Pws.2 to 4. The medical records and the community certificate have also been marked to substantiate the prosecution case. The trial Court on considering all these aspects, rightly convicted the petitioner. However, fairly submitted that the petitioner has been sentenced to undergo six months simple imprisonment and his sentence already suspended by the trial Court.



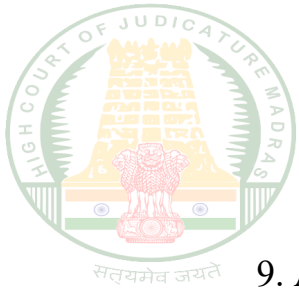
WEB COPY

5. Having regard to facts and circumstances of the case, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

6. Accordingly, the substantive sentence of imprisonment imposed on the petitioner is suspended till the disposal of the appeal and he is ordered to be enlarged on bail, on condition that he shall execute a bond for a sum of Rs.5,000/- (Rupees five thousand only) with two sureties, each for a like sum to the satisfaction of the trial Court.

7. Further, the petitioner shall appear before the Trial Court at 10.30 am on the first working day of every month, until the disposal of the appeal and if he is not able to appear before the Trial Court on that day, he 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 his absence as directed by the Trial Court.

8. 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 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];



WEB COPY

9. Accordingly, this Criminal Miscellaneous Petition is ordered.

10. This Court places on record its appreciation for the assistance rendered by the learned Legal Aid Counsel for the 2nd respondent in going through the judgment and filing a detailed counter.

27-07-2026

Neutral Citation: Yes/No
AT

To

1. The Sessions Judge,
Special Court for Trial of Cases under
SC/ST (POA) Act, Tiruvarur.
2. The Deputy Superintendent of Police,
Mannargudi Sub Division,
Tiruvarur District.
3. The Public Prosecutor,
High Court, Madras.



WEB COPY

CRL M.P. No. 12217 of 202



M.NIRMAL KUMAR, J.

AT

Crl. M.P. No. 12217 of 2026 in
CRL A No. 845 of 2026

27-07-2026