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CRL M.P. No. 14297 of 2
in Crl.A.No.965 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

Crl. M.P. No. 14297 of 2026

in

Crl. A. No. 965 of 2026

1.Akash @ Brunthesh
2.Mathiyalagan
3.Muruganantham

.. Petitioners

Vs

1.State by
Deputy Superintendent of Police,
Thiruvarur Sub Division,
Thiruvarur District.

2.State by,
Sub-Inspector of Police,
Koradachery Police Station,
Thiruvarur District.
(Crime No. 290 of 2022)

..Respondents

3.Shankar

Criminal Miscellaneous Petition filed under Section 430(3) of BNSS, 2023, praying to suspend the sentence of imprisonment imposed on the petitioners in Spl.S.C.No.61 of 2025 by the learned Sessions Judge, Special Court for Trial of Cases registered under the SC/ST (POA) Act, Thiruvarur by judgment dated 07.07.2026 and enlarge the petitioners on bail, pending disposal of the criminal appeal.

For Petitioners:

Ms. K. Meena

For Respondents:

Ms. Sharada Vivek,
Government Advocate (Crl.Side) for R1 & R2



ORDER

This petition has been filed for suspending the sentence imposed in the judgment passed in Spl.S.C.No.61 of 2025 dated 07.07.2026 by the Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Tiruvarur.

2. The petitioners / accused in Spl.S.C.No.61 of 2025 were convicted by the trial Court by judgment dated 07.07.2026. A1 was convicted for the offence under Section 341 IPC and sentenced to undergo one month simple imprisonment and to pay a fine of Rs.250/- in default to undergo one week simple imprisonment. For the offence under Section 324 IPC (2 counts), he was convicted and sentenced to undergo one year simple imprisonment on each count and to pay a fine of Rs.1,000/-, in default to undergo three months simple imprisonment.

2.1. A2 was convicted for the offence under Section 341 IPC and sentenced to undergo one month simple imprisonment and to pay a fine of Rs.250/-, in default to undergo one week simple imprisonment. For the offence under Section 324 IPC, he was convicted and sentenced to undergo one year simple imprisonment and to pay a fine of Rs.1,000/-, in default to undergo three months simple imprisonment. For the offence under Section 324 IPC r/w Section 3(2)(va) of SC/ST (POA) Act, he was convicted and sentenced to undergo one year simple imprisonment and to pay a fine of Rs.1000/-, in default



to undergo three months simple imprisonment. For the offence under Section 3(1)(s) of SC/ST (POA) Act, he was convicted and sentenced to undergo six months simple imprisonment and to pay a fine of Rs.1,000/-, in default to undergo two months simple imprisonment.

2.2. A3 was convicted for the offence under Section 341 IPC and sentenced to undergo one month simple imprisonment and to pay a fine of Rs.250/-, in default to undergo one week simple imprisonment. For the offence under Section 342 IPC, he was convicted and sentenced to undergo three months simple imprisonment and to pay a fine of Rs.500/-, in default to undergo one month simple imprisonment.

3. Notice was ordered to the third respondent / defacto complainant and the notice was served by the respondent police on 11.08.2026. The defacto complainant stated that he was not inclined to engage a separate counsel on his behalf.

4. The learned counsel for the petitioners submitted that the 1st petitioner is a vegetable vendor who is having a TATA Ace vehicle and uses the said vehicle for transporting and selling vegetables. PW1 had picked up a quarrel, which resulted in a fight. At that time, PW3 and PW5, who belong to the Scheduled Caste community, intervened, and it is alleged that the petitioners abused and assaulted them. He further submitted that there is no independent



public witness to establish that the witnesses were abused in a public view. The other witnesses to the arrest, confession and recovery, namely PW6, PW7 and PW8, not supported the case of the prosecution. Therefore, the trial Court ought to have acquitted the petitioners, however, on the contrary, the trial Court convicted and sentenced them.

5. The learned Government Advocate opposed the contentions of the petitioners and submitted that, on 11.11.2022, at about 6.30 p.m., the defacto complainant, along with his friends, came on a two-wheeler. At that time, the 1st petitioner was transporting vegetables in his TATA Ace vehicle. PW1 sounded the horn, but the 1st petitioner not given way and continued to occupy the centre of the road. Thereafter, the defacto complainant overtook the vehicle and questioned the 1st petitioner, resulting in a wordy quarrel. Later, at about 7.00 p.m., the petitioners stopped the defacto complainant, abused and threatened him and also assaulted him with their hands. PW3 and PW5, who intervened, were also abused and assaulted by using caste name. Hence, the case was registered. During trial, PW1 to PW14 examined, Exs.P1 to P24 marked and MO1 was produced. However, she fairly submitted that the sentence had already suspended by the trial Court.



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

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

8. Further, the petitioners shall appear before the Trial Court once in three months at 10.30 a.m. on the first working day of the month, until the disposal of the 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.

9. On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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]***;



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10. Accordingly, this Criminal Miscellaneous Petition is ordered.

13-08-2026

AT

To

- 1.The Special Court under SC/ST (POA)
Act, Thiruvarur.
- 2.The Deputy Superintendent of Police,
Thiruvarur Sub Division,
Thiruvarur District.
- 3.The Sub-Inspector of Police,
Koradachery Police Station,
Thiruvarur District.
- 4.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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