



*Crl.MP(MD) No.13465 of 2026 in
Crl.A(MD) No.788 of 2026*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.13465 of 2026
in Crl.A.(MD)No.788 of 2026

Nalina Kumari

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Thuckalay Range,
Kanniyakumari District.

2.The Inspector of Police,
Thuckalay Police Station,
Kanniyakumari District.

3.Balaji

... Respondents

Prayer: Petition filed under Section 430 of BNSS to suspend the sentence of rigorous imprisonment imposed on the petitioner in the Judgment dated 26.11.2025 passed in S.C.No.14 of 2025 by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Kanniyakumari District at Nagercoil, pending disposal of the main Criminal Appeal.



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*Crl.MP(MD) No.13465 of 2026 in
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For Petitioner : Mr.K.Sivabalan
for M/s.Aran Legal Consultancy

For Respondents : Mrs.V.Moushica,
Government Advocate (Crl. Side)
for R1 and R2

Mr.P.Veerapandi for R3

ORDER

The petitioner, A1 in S.C.No.14 of 2025, on the file of the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Kanniyakumari District at Nagercoil was found guilty by the trial Court and was convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1	3(1)(r) of SC/ST (POA) Act	6 months RI	Rs.1,000/-	1 month SI
2	3(1)(s) of SC/ST (POA) Act	6 months RI	Rs.1,000/-	1 month SI

As against the conviction and sentence imposed by the trial Court in S.C.No.14 of 2025, dated 26.11.2025, the petitioner has filed a Criminal Appeal in Crl.A(MD)No.788 of 2026 and the same was admitted by this



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WEB COPY

Court on 09.07.2026. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2. The case of the prosecution is that, on 04.06.2019 at about 12.00 noon, accused Nos.1 to 3 abused the defacto complainant in filthy language, made derogatory remarks referring to his caste, and also threatened to kill him and his wife. Hence, the case.

3.1. The learned counsel appearing for the petitioner submits that the petitioner and the defacto complainant are neighbours. The defacto complainant is a practising Advocate, and his wife is a police officer working as a Superintendent in a Sub Jail. According to the learned counsel, a quarrel took place between the families of the petitioner and the defacto complainant on 04.06.2019, during which the petitioner was assaulted by the defacto complainant. With regard to the same, the petitioner lodged a complaint before the respondent police. However, the same was not registered. Instead, the complaint lodged by the defacto complainant on 30.07.2019 came to be registered against the petitioner and two others.



*Crl.MP(MD) No.13465 of 2026 in
Crl.A(MD) No.788 of 2026*

WEB COPY

3.2. The learned counsel further submits that the Trial Court failed to take into consideration the inordinate delay of 56 days in registering the FIR for the offences under Sections 341, 294(b) and 506(1) IPC and Section 3(1)(s) of the SC/ST (POA) Act. According to him, the provisions of the SC/ST (POA) Act have been falsely invoked by alleging that the petitioner had insulted the defacto complainant by referring to his community. He contends that, despite being an Advocate, the defacto complainant lodged the complaint after 56 days from the date of occurrence and the same was entertained, whereas the petitioner's complaint preferred on the same day was not entertained since the defacto complainant and his wife are influential persons.

3.3. Referring to the evidence of the Investigating Officer, the learned counsel submits that the Investigating Officer admitted that the petitioner had lodged a complaint on 04.06.2019. However, the Trial Court failed to mark the said document during cross-examination, though it was produced before the Court along with the statement recorded under Section 313 Cr.P.C. According to the learned counsel, the Trial Court failed to



*Crl.MP(MD) No.13465 of 2026 in
Crl.A(MD) No.788 of 2026*

WEB COPY

consider both the petitioner's complaint and the unexplained delay of 56 days in lodging of the complaint by the defacto complainant. Therefore, he seeks suspension of the sentence for the petitioner.

4. The learned Government Advocate appearing for the respondent submits that the petitioner has been convicted and sentenced to undergo imprisonment for a period of six months. However, the petitioner did not surrender even after the expiry of the time granted by the Sessions Court to prefer the appeal. Hence, the learned Government Advocate opposes this petition.

5. The learned counsel appearing for the third respondent / defacto complainant also adopted the said contention of the learned Government Advocate.

6. In reply, the learned counsel for the petitioner submits that, being a poor woman, the petitioner was unable to arrange funds for filing the appeal in time, which resulted in the delay. He further submits that this Court, having accepted the reasons assigned by the petitioner, condoned the



*Crl.MP(MD) No.13465 of 2026 in
Crl.A(MD) No.788 of 2026*

WEB COPY

delay. According to him, the petitioner is a 65-year-old woman suffering from several medical ailments.

7. This Court has considered the rival submissions and perused the materials available on record.

8. This Court normally does not entertain petitions for suspension of sentence where the petitioner has failed to surrender after the expiry of the period granted by the Trial Court. However, in the present case, though three persons were prosecuted, the other two accused were acquitted and the petitioner alone was found guilty on the allegation that she had abused the defacto complainant by referring to his community. Admittedly, the defacto complainant is an Advocate. Though the occurrence took place on 04.06.2019, the complaint was lodged only on 30.07.2019, resulting in an inordinate delay of 56 days in the registration of the FIR. It is also seen that the respondent police did not even register a CSR on the complaint lodged by the petitioner on 04.06.2019.



*Crl.MP(MD) No.13465 of 2026 in
Crl.A(MD) No.788 of 2026*

WEB COPY

9. The petitioner has raised arguable points which can be considered only at the time of final hearing of the appeal. However, the appeal could not be taken up immediately for want of time. Having regard to the materials available on record, the nature of the grounds raised, the fact that the petitioner is a 65-year-old woman, and the fact that the appeal could not be taken up immediately, this Court is inclined to suspend the sentence imposed on the petitioner.

10. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on the following conditions:-

- i. The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Kanniyakumari District at Nagercoil.
- ii. The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address, before the trial



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*Crl.MP(MD) No.13465 of 2026 in
Crl.A(MD) No.788 of 2026*

Court as well as before the respondent Police. In the event, if there is any change of address, the same shall be intimated to the respondent Police without fail.

- iii. The petitioner shall report before the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Kanniyakumari District at Nagercoil, on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal.
- iv. In the event, if the petitioner has violated any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

**09.07.2026
(2/2)**

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*Crl.MP(MD) No.13465 of 2026 in
Crl.A(MD) No.788 of 2026*

To

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Special Court for Trial of Cases under SC/ST (POA) Act,
Kanniyakumari District at Nagercoil.
- 2.The Deputy Superintendent of Police,
Thuckalay Range,
Kanniyakumari District.
- 3.The Inspector of Police,
Thuckalay Police Station,
Kanniyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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*Crl.MP(MD) No.13465 of 2026 in
Crl.A(MD) No.788 of 2026*

B.PUGALENDHI, J.,

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Crl.MP(MD) No.13465 of 2026
in
Crl.A(MD) No.788 of 2026

09.07.2026
(2/2)