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*Crl.M.P.No. 10416 of 2025
in Crl.A.No. 565 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No. 10416 of 2025
in
Crl.A.No. 565 of 2025

D.Thirumalaisamy

.... Petitioner

Vs

1. The State through
The Deputy Superintendent of Police,
Kottur Police Station,
Coimbatore
(Crime No.80 of 2019)

2. Subramanian
(R2-Suo moto impleaded as
per order dated 09.06.2025
made in Crl.A.No.565 of 2025)

.... Respondents

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence passed in Judgment in Spl.S.C.No.44 of 2023 dated 19.12.2024 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Coimbatore, pending disposal of the appeal.



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For Petitioner : Mr.E.K.Kumaresan

For For R1 : Mr.S.Raja Kumar
Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Coimbatore, in Spl.S.C.No.44 of 2023 dated 19.12.2024, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in Spl.S.C.No.44 of 2023 on the file of the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Coimbatore. He was found guilty of the offences under Sections 294(b), 326, 506(ii) of IPC and Sections 3(1)(r) and 3(1)(s) of SC/ST (POA) Act (2 counts), Section 506(ii) IPC r/w 3(2) (va) of SC/ST (POA) Act and Section 326 of IPC r/w 3(2)(v) of SC/ST (POA) Act and he has been convicted and sentenced as under:

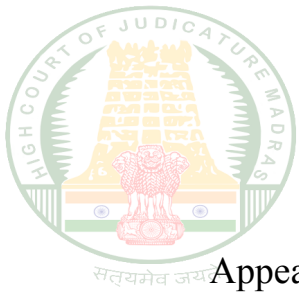


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S.No.	Conviction	Sentence
1	294(b) of IPC	To undergo rigorous imprisonment for a period of three months.
2	326 of IPC	To undergo rigorous imprisonment for a period of 7 years and to pay a fine of Rs.5,000/- in default to undergo 6 months rigorous imprisonment.
3.	506(ii) of IPC	To undergo rigorous imprisonment for a period of 3 years and to pay a fine of Rs.1,000/- and in default to undergo 3 months rigorous imprisonment.
4.	3(1)(r) and 3(1)(s) of SC/ST (POA) Act (2 counts)	To undergo rigorous imprisonment for a period of one year for each count and to pay fine of Rs.1,000/- in default to undergo 3 months rigorous imprisonment.
5.	506(ii) of IPC r/w. 3(2)(va) of SC/ST (POA) Act	To undergo rigorous imprisonment for a period of 3 years and to pay a fine of Rs.1,000/- in default to undergo 3 months rigorous imprisonment.
6.	326 of IPC r/w. 3(2)(v) of SC/ST (POA) Act.	To undergo rigorous imprisonment for a period of 7 years and to pay a fine of Rs.5,000/- in default to undergo 3 months rigorous imprisonment.

Aggrieved by the same, the petitioner has filed this appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Appeal and the petitioners/accused have got a fair chance of succeeding in the Criminal



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Appeal and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is ready to abide by any condition to be imposed by this Court.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent/State raised serious objection for allowing this petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned counsel appearing for the petitioner and also perused the materials placed on record. Though notice has been served on the second respondent and name has been printed in the cause list, today, no one is appeared on behalf of the second respondent either by person or through pleader.



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6. In view of the above, this Court is of the opinion that the petitioner has made a *prima facie* case for suspension of sentence. Further, considering the period of incarceration undergone by the petitioner and fact that the criminal appeal is not likely to be taken for final hearing in the near future, this Court is inclined to suspend the substantive sentence of imprisonment, subject to certain conditions.

7. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment imposed by the learned trial Judge is suspended and bail is granted to the petitioner subject to the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on his execution of 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, Coimbatore.

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety



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bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioner shall appear before the Trial Court daily at 10.30 a.m., for a period of thirty days and thereafter on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Appeal and if there are not able to appear before the trial Court on any 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 his absence, as directed by the trial Court.

8. With the above directions, this Criminal Miscellaneous Petition is ordered.

03.07.2025
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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

1. The Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Coimbatore.
2. The Superintendent,
Central Jail, Coimbatore.
3. The Deputy Superintendent of Police,
Kottur Police Station,
Coimbatore.
4. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.
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