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Crl.MP.No.10919 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2025

CORAM:

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

Crl.M.P.No.10919 of 2025

in

Crl.A.No.619 of 2025

Faisal @ Faisal Rahuman

...Petitioner

Vs.

1.The State Rep by
The Assistant Commissioner of Police,
Law and Order (South), Coimbatore City,
Kuniyamuthur Police Station, Coimbatore
2.Balaji

... Respondents

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS and under Section 389(1) of Cr.P.C., praying to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 27.03.2025 made in Spl.SC.No.37 of 2023 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Coimbatore pending disposal of the above appeal before this Court and enlarge the petitioner on bail.



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For Petitioner : Mr.R.Prabakar

For Respondents

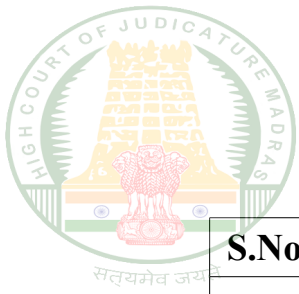
For R1 : Mr.S.Raja Kumar,
Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed praying to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 27.03.2025 made in Spl.SC.No.37 of 2023 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Coimbatore pending disposal of the criminal appeal and to enlarge the petitioner on bail.

2. The petitioner herein is an accused in Spl.SC.No.37 of 2023 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Coimbatore. He was found guilty of the offences under Sections 341, 324 of IPC and Section 3(2) (Va) of SC/ST (POA) Act and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 341 of IPC	to pay a fine of Rs.500/-, in default to undergo simple imprisonment for two months.
2	Section 324 of IPC	to undergo three years rigorous imprisonment



S.No.	Conviction	Sentence
		and to pay fine of Rs.5,000/-, in default to undergo six months simple imprisonment
3	Section 3(2) (Va) of SC/ST (POA) Act	to undergo three years rigorous imprisonment and to pay fine of Rs.5,000/-, in default to undergo six months simple imprisonment

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

3. The learned counsel for the petitioner/A1 would submit that there are arguable points available in the Criminal Appeal and the petitioner/A1 has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioner/A1 may be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Per contra, the learned Additional Public Prosecutor appearing for the first 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.



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5. Heard, the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor for the first respondent and also perused the materials placed on record. Though notice was served and the name of the second respondent has been printed in the cause list, no one appeared on behalf of the second respondent before this Court either in person or through pleader.

6. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent police, further this criminal appeal is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions.

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

(a) The petitioner/A1 is ordered to be released on bail,



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on his executing 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 Special Court for Trial of Cases under SC/ST (POA) Act, Coimbatore

(b) The petitioner/A1 and the sureties shall affix their photographs and Left Thumb Impressions in the surety 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 on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Appeal and if he is not able to appear before the trial Court on any 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. With the above directions, this Criminal Miscellaneous Petition is ordered.

27.06.2025
(2/2)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.Special Court for Trial of Cases under SC/ST (POA) Act, Coimbatore
- 2.The Assistant Commissioner of Police,
Law and Order (South), Coimbatore City,
Kuniyamuthur Police Station, Coimbatore
- 3.Central Prison, Coimbatore
- 4.The Public Prosecutor,
Madras High Court,
Chennai.

Crl.M.P.No.10919 of 2025

in

Crl.A.No.619 of 2025

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