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CRL MP No. 12040 of 2025 in
Crl.A.No.703 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2025

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE S. SOUNTHAR**

**Crl.M.P. No. 12040 of 2025 in
Crl.A.No.703 of 2025**

Balakrishnan, M/47 years
S/o Mannankatti, Mariamman Koil St.,
Perumukkal Post, Marakkanam,
Villupuram District.

Petitioner(s)

Vs

1. State Rep By
The Deputy Superintendent of Police,
Tindivanam sub division,
Villupuram District.

Respondent(s)

PRAYER

The Criminal Miscellaneous Petition is filed under Section 389 (1) of Cr.P.C. to suspend the sentence imposed on the petitioner by the Special Court for SC & ST Cases, Villupuram in Spl.S.C.No.20 of 2019, dated 23.04.2025.

For Petitioner(s): Mr.V.Pavel

For Respondent(s): Mr.A.Gokulakrishnan
Additional Public Prosecutor



ORDER

(Order of the Court was made by J.NISHA BANU, J.)

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This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence of imprisonment imposed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under the SC & ST (POA) Act, Villupuram in Spl.S.C.No.20/2019, dated 23.04.2025 pending disposal of the Criminal Appeal before this Court and enlarge the petitioner on bail.

2. In the above said Sessions Case, totally there were 9 accused and the petitioner was arrayed as A7. The learned Sessions Judge, Special Court for SC & ST Act, Villupuram has convicted the petitioner and sentenced him as follows:-

<i>Offence</i>	<i>Sentence Imposed</i>
U/s.302 r/w 109 IPC	To undergo one year Rigorous Imprisonment for life and pay a fine of Rs.10,000/-, in default, to undergo rigorous imprisonment for further period of three years.

3. Challenging the above conviction and sentence, the petitioner has filed the above Criminal Appeal and he seeks suspension of sentence and bail in the present Miscellaneous Petition.



4. The learned counsel for the appellant / petitioner submitted that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. He further submitted that there are arguable points available in the Criminal Appeal and that the petitioner has a fair chance of succeeding in the same. Therefore, the substantive sentence imposed against the appellant / petitioner may be suspended. He further submitted that the appellant/ petitioner is ready to abide by any condition imposed by this Court.

5. Heard the learned counsel appearing for the appellant / petitioner, the learned Additional Public Prosecutor appearing for the respondent and also perused the materials placed on record.

6. On going through the materials available on record, we find that as far as the offence under Section 3(2)(v) of SC & SC Act is concerned, the petitioner was found not guilty by the learned Sessions Judge. Therefore, notice to victim of offence is not necessary.

7. A perusal of the typed set of papers would indicate that there is no specific overt act attributed against the petitioner/7th accused. The petitioner was not present in the scene of occurrence and he was roped in only on the basis of conspiracy theory. However, the learned Sessions Judge observed that



criminal conspiracy among the accused persons to commit murder of the deceased was not proved. Though it was the case of the prosecution that the petitioner/ A7 and A8 agreed to meet the expenses incurred for committing murder of Manikandan, the same was not proved by satisfactory evidence to come to the conclusion that the petitioner, by his act or omission, abetted the offence of murder, so as to attract Section 109 IPC. In these circumstances, this Court is of the view that the petitioner has made out a prima facie case for suspension of sentence.

8. Considering the submissions made by both counsels, coupled with the quantum of punishment imposed upon the petitioner / appellant, and taking into account the fact that this Criminal Appeal is not likely to be taken up 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.

9. Accordingly, this Criminal Miscellaneous Petition stands **allowed** and the sentence imposed on the petitioner is suspended 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 for Exclusive Trial of cases registered under the SC & ST (Prevention of Atrocities) Act, Villupuram.



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(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;

(iii) The petitioner shall appear before the trial Court on the first working day of every 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 of 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.

(iv) On the failure of any of the above conditions by the petitioner / accused, it is open to the trial Court to commit the petitioner / accused into custody for undergoing the sentence.

(J.NISHA BANU, J.) (S.SOUNTHAR, J.)

08/10/25

MST

1. The Sessions Judge, Magalir Neethimandram,
(Mahila Court), Coimbatore,
2. The Superintendent, Central Prison, Cuddalore.
3. The Superintendent of Police.
Tindivanam Sub Division, Villupuram Distrct.
4. The Public Prosecutor, High Court of Madras,
Chennai 600 104.



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