



WEB COPY



*Crl.M.P.No.10809 of 2025
in Crl.A.No. 608 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.10809 of 2025

in

Crl.A.No. 608 of 2025

Gnanasekar

.... Appellant

Vs

1. The State Rep by its,
Deputy Superintendent of Police,
Tindivanam in
Crime No.420/2020,
Brammadesam Police Station.

.... 1st Respondent

2. Devi

.... 2nd Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) & (2) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on the petitioner/ Appellant/ 1st Accused namely Gnanasekar, S/o, Kumarasami, passed by the Learned Session Judge Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Villupuram in S.C.No.36 of 2020 dated 31.01.2024 and enlarge the petitioner on bail pending disposal of the Criminal Appeal.



WEB COPY



*Crl.M.P.No.10809 of 2025
in Crl.A.No. 608 of 2025*

For Petitioner : Mr.P.Magesh
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 Session Judge Special Court, for Exclusive Trial of Cases under SC/ST (POA) Act, Villupuram in SC.No.36 of 2020 dated 31.01.2024 and enlarge the petitioner on bail pending disposal of the above Appeal.

2. The petitioner herein is the accused in S.C.No.36 of 2020 on the file of the Learned Session Judge Special Court, for Exclusive Trial of Cases under SC/ST (POA) Act, Villupuram. He was found guilty of the offences under Section 354 of IPC, 3(2)(va) & 3(1)(w)(i) of SC & ST Act and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 354 of IPC	To undergo simple imprisonment for 2 years
2	Section 3(2)(va) of SC & ST Act	to undergo simple imprisonment for a period of one year and to pay a fine of Rs.10,000/- in default to undergo further period of three months simple imprisonment.



*Crl.M.P.No.10809 of 2025
in Crl.A.No. 608 of 2025*

S.No.	Conviction	Sentence
3	Section 3(1)(w)(i) of SC & ST Act	to undergo simple imprisonment for a period of six months and to pay a fine of Rs.5,000/- in default to undergo further period of three months simple imprisonment.

Aggrieved by the same, the present appeal has been filed.

3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Appeal and the petitioner/accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioner/accused 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 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.



*Crl.M.P.No.10809 of 2025
in Crl.A.No. 608 of 2025*

WEB COPY

5. Though notice was served and the name of the 2nd respondent was printed in the cause list, however, no one appeared on behalf of the 2nd respondent.

6. Heard the learned counsel appearing for the petitioner as well as the 1st respondent police and also perused the materials placed on record.

7. 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 respondent police, further this 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. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:



WEB COPY



*Crl.M.P.No.10809 of 2025
in Crl.A.No. 608 of 2025*

(a) The petitioner/accused is ordered to be released on bail, 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 Learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Villupuram.

(b) The petitioner/accused 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 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 355 of BNSS, 2023 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.



*Crl.M.P.No.10809 of 2025
in Crl.A.No. 608 of 2025*

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

WEB COPY
ordered.

03.07.2025
(2/2)

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

Nhs

To

1. The State Rep by its,
Deputy Superintendent of Police,
Tindivanam in
Crime No.420/2020,
Brammadesam Police Station.

2. The Public Prosecutor,
High Court, Madras.



WEB COPY



*Crl.M.P.No.10809 of 2025
in Crl.A.No. 608 of 2025*



WEB COPY



*Crl.M.P.No.10809 of 2025
in Crl.A.No. 608 of 2025*

G.K.ILANTHIRAIYAN, J.

Nhs

Crl.M.P.No.10809 of 2025
in
Crl.A.No. 608 of 2025

03.07.2025
(2/2)



WEB COPY



*Crl.M.P.No.10809 of 2025
in Crl.A.No. 608 of 2025*

Crl.A.No.608 of 2025

G.K.ILANTHIRAIYAN, J.

Admit. Notice.

2. Mr.S.Raja Kumar, learned Additional Public Prosecutor takes notice for the 1st respondent.

3. Registry is directed to call for the records from the lower Court and prepare typed set of papers.

Nhs

03.07.2025
(1/2)