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CRL MP NO. 16729 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-09-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP NO. 16729 of 2025

IN

CRL A NO. 1410 OF 2025

- 1.Nallathambi
S/o.Kannusamy
- 2.Duraivel
S/o.Kannusamy
- 3.Sankar
S/o.Kaliyan @ Kaliyamoorthi
- 4.Chinnayan
S/o.Singaram

Petitioner(s)

Vs

- 1.State by
The Deputy Superintendent of Police,
Attur Sub Division,
Salem District, Thalaivasal Police Station,
(Crime No.284/2025)

- 2.Sekar
S/o.Neelan

Respondent(s)

PRAYER: Criminal Miscellaneous petition filed under Section 415(2) & 483 of BNSS 2023, praying to suspend the sentence imposed on them by the learned



Special Court for the exclusive trial of Cases registered under SC/ST (Prevention of Atrocities) Act, Salem, Salem District made in S.C.No.331 of 2017 by its judgement dated 19.08.2025 and enlarge the petitioners on bail pending disposal of the above appeal on the file of this Hon'ble Court.

For Petitioner(s):

Mr.M.R.Elavarasan

For Respondent(s):

Mr.V.Meganathan

Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioners, seeking suspension of the sentence imposed by the learned Judge, Special Court for the exclusive trial of cases registered under SC/ST (Prevention of Atrocities) Act, Salem, in S.C.No.331 of 2017, by its judgement dated 19.08.2025 and to enlarge the petitioners on bail pending disposal of the above Criminal Appeal.

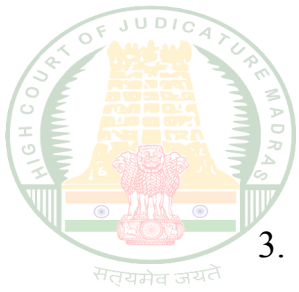
2. The petitioners herein are the accused in S.C No. 331 of 2017 on the file of the Special Court for the exclusive trial of cases registered under SC/ST (Prevention of Atrocities) Act, Salem. The 1st accused was convicted under Section 324 of IPC and sentenced to undergo one year imprisonment and imposed fine of Rs.5,000/-, in default of which, he was directed to undergo simple imprisonment and ordered to pay fine of Rs.1,000/-, in default to



undergo one month of simple imprisonment and also under Section 3(2)(va) of

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SC/ST Act convicted and sentenced A1 to undergo 3 years imprisonment and ordered to pay fine of Rs.5,000/-, in default to undergo one month of simple imprisonment. Totally fine imposed against A1 is Rs.11,000/-. The 2nd accused was convicted under Section 323 of IPC (2 counts) and sentenced to undergo three months of simple imprisonment and imposed fine of Rs.1,000/- for each count, in default of payment of fine he shall undergo simple imprisonment for further period of one month of simple imprisonment and under Section 3(2)(va) of SC / ST Act convicted and sentenced A2 to undergo one year of simple imprisonment and ordered to pay fine of Rs.1,000/-, in default to undergo one month of simple imprisonment. Totally fine imposed against A2 is Rs.3,000/-. The 3rd and 4th accused persons were convicted under Section 323 of IPC and sentenced to undergo three months of simple imprisonment and imposed fine of Rs.1,000/- for each accused, in default of payment of fine he shall undergo simple imprisonment for further period of one month and under Section 3(2)(va) of SC/ST Act convicted and sentenced A3 & A4 to undergo one year of simple imprisonment and ordered to pay fine of Rs.1,000/-, in default to undergo one month of simple imprisonment. Totally fine imposed against A3 & A4 is Rs.2,000/-. Aggrieved by the same, the present appeal has been filed.

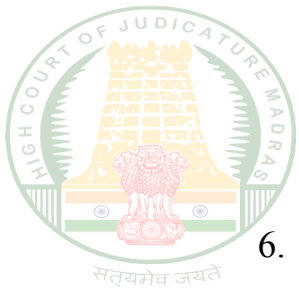


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3. The learned counsel for the petitioners/accused would submit that there are arguable points available in the Criminal Appeal and the petitioners/accused have got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioners/accused may be suspended. Further it is his specific submission that while at the time of pronouncing judgment, the trial Court has suspended the sentence for 30 days as per the order made in CrI.M.P.No.222 of 2025 dated 18.09.2025. He would submit that the petitioners are ready to abide the condition imposed by this Court.

4. Per contra, the learned Government Advocate (Criminal Side) 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 on either side and also perused the materials placed on record.



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6. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioners, also by considering the submissions of the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the 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 on the following conditions:

(a) The petitioners/accused are ordered to be released on bail, on their executing a separate 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 Special Court of the exclusive trial of cases registered under SC/ST (prevention of Atrocities) Act, Salem, Salem District.

(b) The petitioners/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.



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(c) The petitioners 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 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.

04.09.2025

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

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To
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1. The Special Court for the exclusive trial of Cases registered under SC/ST (Prevention of Atrocities) Act, Salem, Salem District
2. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI, J.
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