



CRL MP(MD) No.2886 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11-03-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL MP(MD) No.2886 of 2025

in

CrI.A(MD) No.283 of 2025

Chithiraikannan

... Appellant / Sole Accused

Vs

1. State of Tamil Nadu Represented by,
The Deputy Superintendent of Police,
Sivagangai Sub Division,
Sivagangai.

2. State of Tamil Nadu,
Represented by the Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.
(Crime No.127/2022)

... 1st & 2nd Respondent/ Complaints

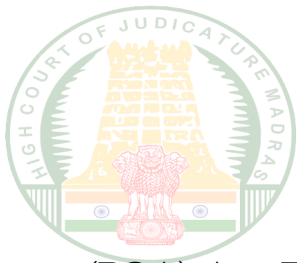
3. Saranraj @ Ramraj

... 3rd Respondent / Defacto Complainant

For Petitioner	:	Mr.Gautham Sarathy
For R1 and R2	:	Mr.A.S.Abul Kalam Azad Government Advocate
For R3	:	Mr.D.Shanmuga Raja Sethupathy

ORDER

The petitioner is the sole accused in Spl.S.C.No.46 of 2022, on the file of the learned Special Court for Trial of Cases under SC/ST(POA), Act, Sivagangai for the offences under Sections 294(b) and 324 of IPC read with Section 3(2)(va) of SC/ST



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(POA) Act. The Trial Court found the petitioner guilty, convicted and sentenced him

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as under:-

Offence under Section	Sentence
294(b) of IPC	Convicted and sentenced to undergo one month imprisonment with fine of Rs.1,000/-, in default further imprisonment of one week
324 of IPC r/w 3(2)(va) of SC/ST (POA) Act	Convicted and sentenced to undergo one year imprisonment and to pay Rs.3,000/- as fine in default further simple imprisonment of one month

2. As against the conviction and sentence imposed by the trial Court, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.283 of 2025 and the same has been admitted by this Court on the grounds raised in support of the appeal. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

3. The learned counsel for the petitioner submits that the very registration of the FIR itself creates suspicion, since PW1/complainant says that the complaint was given in the police station, whereas FIR says the complaint was recorded in the hospital. He further submits that there are several contradictions in the evidence of PW1 and therefore, it cannot be relied on. There is no independent witness except the relatives of PW1/complainant. The evidence of Doctor is totally contradictory to the



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evidence of PW1.

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4. The learned Government Advocate (Crl.side) appearing for the respondent police submits that the trial court has considered the evidence of the prosecution witnesses and the documents placed by the prosecution and rightly convicted the petitioner.

5. This court considered the rival submissions and perused the materials available on record.

6. The petitioner has raised certain arguable points which can be considered only during the final hearing of the appeal. Since the petitioner is having some arguable points in the appeal and the appeal could not be taken up immediately for final disposal, this Court is inclined to suspend the sentence imposed as against the petitioner, pending the criminal appeal.

7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Court for Trial of Cases under SC/ST(POA), Act, Sivagangai and on further condition that the petitioner shall stay at Kalayarkoil and report before the Kalayarkoil Police Station, daily at 10.30 a.m., until further orders. The trial Court shall accept the surety



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only on payment of fine amount imposed as against this petitioner.

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sd/-

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/ TRUE COPY /

12/03/2025

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

rgm

TO

1 THE JUDGE,
SPECIAL COURT FOR TRIAL OF CASES UNDER SC/ST (POA) ACT,
SIVAGANGAI.

2 THE DEPUTY SUPERINTENDENT OF POLICE, SIVAGANGAI SUB DIVISION,
SIVAGANGAI.

3 THE INSPECTOR OF POLICE, KALAIYARKOVIL POLICE STATION,
SIVAGANGAI DISTRICT.

4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

5 THE INSPECTOR OF POLICE, KALAYARKOIL POLICE STATION,
KALAYARKOIL.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-2638[I] dated
11/03/2025)

+1 CC to M/s.GAUTHAMSARATHY, Advocate (SR-2641[I] dated 11/03/2025)



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ORDER

IN

CRL MP(MD) No.2886 of 2025

in

CrI.A(MD) No.283 of 2025

Date :11/03/2025

RS/IT/SAR-(12.03.2025) 5P 9C

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