



CRL MP(MD) NO. 3174 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02-04-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL MP(MD) NO. 3174 of 2025

IN

CRL A(MD) NO.305 of 2025

Senthil

S/o Sathiah, Sentamil Nagar East, Kalaiyarkovil Taluk,
Sivagangai District.

Petitioner(s)

Vs

1. The Inspector of Police,
Kalaiyar Police Station,
Sivagangai District.

2. Muthu

Respondent(s)

For Petitioner(s):

Mr.S. Pugalendhi

For R1:

Mr.A.S.Abul Kalam Azad

For R2:

No Appearance

ORDER

The petitioner is accused in Spl.S.C.No.36 of 2019 on the file of the learned Sessions Judge, Special Court for exclusively trial of cases under SC/ST Act, Sivagangai. He was found guilty by the trial Court and was convicted and sentenced as under:-



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Offence under Section	Sentence
294(b) of IPC	Convicted and sentenced to undergo one month simple imprisonment with a fine of Rs.200/-, and if the fine amount is not paid, to undergo a further imprisonment of one week simple imprisonment.
323 of IPC r/w. 3(2)(va) of SC/ST Act 2015	Convicted and sentenced to undergo 3 months simple imprisonment with a fine of Rs.500/- and if the fine amount is not paid, to undergo a further imprisonment of one week simple imprisonment
324 of IPC r/w. 3 (2)(va) of SC/ST Act 2015	Convicted and sentenced to undergo six months simple imprisonment with a fine of Rs.1,000/- and if the fine amount is not paid, to undergo further imprisonment of one month simple imprisonment
4 of TNPHW Act 2002	Convicted and sentenced to undergo six months simple imprisonment with a fine of Rs.10,000/- and if the fine amount is not paid, to undergo further imprisonment of one month simple imprisonment

2. As against the conviction and sentence imposed by the trial Court, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.305 of 2025 and the same has

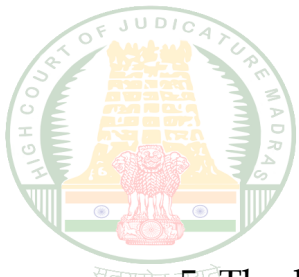


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been admitted by this Court. The petitioner has also moved this application to
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suspend the sentence imposed on him by the trial Court.

3. The case of the prosecution is that the defacto complainant and his wife went to the petitioner's house and questioned the petitioner that why he scolded their children. A dispute arose between them and the petitioner attacked the defacto complainant with aruval. Thereafter, the defacto complainant and his wife were admitted at the Government Hospital, Sivagangai and a case was registered against the petitioner. The trial Court found him guilty and convicted and sentenced as stated supra.

4. The learned counsel for the petitioner submits that the petitioner had not used any abusive language against the defacto complainant's children and the defacto complainant and his wife only went to the petitioner's house and started quarelling. He submits that the date of occurrence was on 02.04.2019 but the FIR was registered only on 04.04.2019. He further submits that the defacto complainant was also discharged from the hospital. Therefore, he seeks to suspend the sentence as against the petitioner.



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5. The learned Government Advocate appearing for the 1st respondent submits that the petitioner had scolded the defacto complainant's children with caste name and when the defacto complainant approached the petitioner's house, the petitioner had attacked the defacto complainant with aruval. Therefore, he vehemently opposed to grant bail to the petitioner.

6. This court considered the rival submissions made on either side and perused the materials available on record.

7. The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time.

8. Considering the offence under Section SC/ST Act, this Court by its order dated 11.03.2025 ordered notice to the defacto complainant and the same has been served. The name of the defacto complainant is also reflected in the cause list, however, there is no representation on behalf of the defacto complainant.

9. Considering the quantum of sentence imposed as against the petitioner and



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the grounds raised in support of this application and for the reasons that the appeal
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could not be taken up immediately, this Court is inclined to allow this petition and
accordingly the sentence imposed by the trial Court as against the petitioner is
suspended pending this appeal with certain conditions:-

- i. The petitioner shall furnish two sureties for a sum of Rs.50,000/- each for a like
sum to the satisfaction of the learned Sessions Judge, Special Court for
exclusively Trial of Cases under SC/ST Act, Sivagangai;
- ii. The petitioner shall stay at Madurai and report before the Inspector of Police, E1
Police Station, K.Pudur, Madurai daily at 10.30 am until further orders.

sd/-
02/04/2025

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/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RGM
TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVELY TRIAL OF CASES
UNDER SC/ST ACT, SIVAGANGAI.

2 THE INSPECTOR OF POLICE,
KALAIYAR POLICE STATION,
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,
E1 POLICE STATION, K.PUDUR, MADURAI.



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

ORDER
IN
CRL MP(MD) NO. 3174 of 2025
IN
CRL A(MD) NO.305 of 2025
Date :02/04/2025

SA/SAR. /16.04.2025/6P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.