



CRL.MP(MD) No. 3301 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MS.JUSTICE R. POORNIMA

CRL.MP(MD) No. 3301 of 2025
in
Crl.A(MD)No.315 of 2025

Tamilselvi

..... Petitioner / A2

Vs.

1. State of Tamil Nadu,
The Deputy Superintendant of Police,
Andipatti Sub Division,
Andipatti
Theni District.

2.The Inspector of Police
G.Vilaku Police Station,
G.Vilaku,
Theni District.
(Crime No.314 of 2016)

3.Sethupathy

..... Respondents

Prayer : Petition filed under Section 430 (1) of BNSS to suspend the sentence
<https://www.hjdc.tn.gov.in/judis>



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imposed on the petitioner as per the judgment made in Spl.S.C.No.62 of 2020 on the
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file of the Special Court for trial of Cases under SC/ST (POA) Act, Theni, dated
14.02.2025.

For Petitioner : Mr.R.Shanmugasundaram
Senior Counsel
for Mr.K.Rajeshwaran

For Respondent : Mr.A.Thiruvadi Kumar, - for R1 & R2
Additional Public Prosecutor

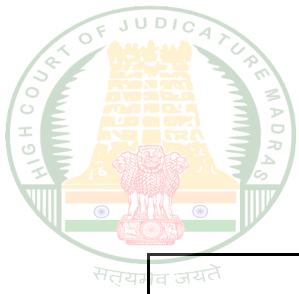
No Appearance – for R3

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

Seeking to suspend the sentence imposed on the petitioner by the Special Court for trial of Cases under SC/ST (POA) Act, Theni, vide Judgment dated 14.02.2025 in Spl.S.C.No.62 of 2020, he has filed this Criminal Miscellaneous Petition.

2. The petitioner stands convicted and sentenced as under:



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Section of Law	Sentence of imprisonment	Fine amount
294(b) IPC	Nil	Rs.1,000/- i/d to under go one month simple imprisonment
307 IPC r/w.3(2)(v) of SC/ST (POA) Act 1989 r/w.109 IPC	To undergo life imprisonment	Rs.2,000/- i/d to under go one year simple imprisonment
3(1)(r) of SC/ST (POA) Act 1989	To undergo six months rigorous imprisonment	Rs.1,000/- i/d to under go one month simple imprisonment
3(1) (s) of SC/ST (POA) Act 1989	To undergo six months rigorous imprisonment	Rs.1,000/- i/d to under go one month simple imprisonment

3. The case of the prosecution is that A1 is the son of A2 and A3 is the relative of A1 and A2. The house of PW2 is situated in front of the house of A1 and A2 and on the northern side there is East West street namely, South Street and on the North, the Complainant/3rd respondent is having his house facing South and on the Northern side of the house of A1 and A2 there is a overhead water tank which belong to the public of Perumalkovilpatti village and in that vacant place and in front of the house of PW2 the waste water and drainage water drained in front of the house of the Complainant and it got mixed with his drainage water and drained

East West to the Northern side vacant site of the house of A1 and A2. On 18.10.2016
<https://www.mhc.tn.gov.in/judis>



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at about 7.00 a.m., there is an altercation between the Complainant and PW2 and on the same day at about 9.00 a.m., when the Complainant was talking with PW2 relating to the drainage water in front of his house, at that time A1 picked up quarrel with the Complainant by stating that his drainage water should not flow near his house and abused him with community name and in filthy language and A2 also abused with community name and in filthy language and asked A1 to slash his neck by giving Aruwalmanai to A1 and thereby A1 with the intention to cause death expressed that he should die and attacked on his head, but the Complainant prevented the attack by his left hand thereby he had sustained grievous injury in the left wrist and with intention to screen A1, A3 had taken away A1 in the two wheeler bearing registration number TN 60 J 0803 and thereafter, the present complaint was lodged by complainant, the Respondent Police registered FIR in Crime No.314 of 2016, for the offence U/s.294(b), 307 IPC and 3(1)(r)(s) of SC/ST (POA) Amendment Act 2015, 3(2)(v) of SC/ST (POA) Act 1989.

4. The learned Senior Counsel appearing for the petitioner would submit that though in the accident register, the weapon is stated to be a sickle, the petitioner at a later point of time had stated that the weapon is a vegetable cutter (அருவாம்பனை) used in the kitchen. Ever as per the prosecution, the allegation against the petitioner



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is that she has instigated her son, A1 to inflict injury and also abused him by caste name. As far as the petitioner is concerned, it is a case of false implication and though the elder brother of the injured is said to have written the complaint he has not been examined as a witness in this case. Further, the trial Court has also failed to take into consideration the contradictions in the evidence of the witness who are said to have present in the place occurrence. He would also submit that there are several other arguable points in this criminal appeal and therefore, he prayed for suspension of sentence.

5. The respondent has filed a counter. The learned Additional Public Prosecutor appearing for the respondent – Police, would submit that the petitioner is mother of A1 and she is the person who has instigated A1 and handed over the weapon to A1 to commit the offence, thereby, he would vehemently oppose for grant of bail to the petitioner.

6. Heard the learned counsel on either side and perused the materials available on record.

7. This Court had ordered notice on 13.03.2025, to the defacto



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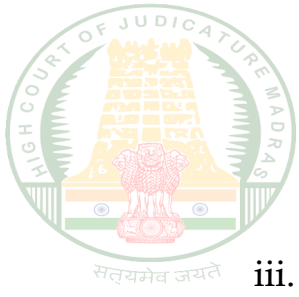
complainant/victim, who is also a practising Advocate. Despite service of notice and printing of his name in the cause list. the 3rd respondent has not appeared either in person or through counsel.

8. It is an application of suspension of sentence. We would not propose to delve deep into the evidence at this stage. Having gone through the records, we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioner.

9. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioner herein is suspended, subject to the following conditions:

i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten 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, Theni.

ii. 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 passbook to ensure their identity.



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iii. The petitioner shall appear and sign before the learned Special Court for trial of Cases under SC/ST (POA) Act, Theni, at 10.30 a.m., on the first working day of every English calender month, until further orders.

sd/-
04/08/2025

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/08/2025

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

TO

1. The Special Court for trial of Cases under SC/ST (POA) Act,
Theni.
2. The Superintendant,
Central Prison(women),
Madurai.
3. The Deputy Superintendant of Police,
Andipatti Sub Division,
Andipatti
Theni District.
4. The Inspector of Police
G.Vilaku Police Station,
G.Vilaku

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Theni District.

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+1 CC to M/s.N.SATHISHWARAN, Advocate (SR-8362[I] dated 04/08/2025)

ORDER

IN

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Date :04/08/2025

PS/SAR.06.08.2025 8P/6C

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