



Crl.M.P.(MD)No.3402 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2025

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.3402 of 2025

in

Crl.A.(MD)No.323 of 2025

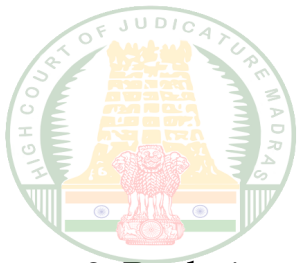
1. Balamalai,
S/o.Vellaichamy,
Kanavaypatti,
Manapparai Taluk,
Trichy District.
2. Moorthy @ Chinnamuthukrishnan,
S/o.Vellaichamy,
Kanavayapatti,
Manapparai Taluk,
Trichy District.
3. Muthu @ Chinnamuthukrishnan,
S/o. Durai,
Kanavayapatti,
Puthanatham Post,
Manapparai Taluk,
Trichy District.

Petitioner(s)

versus

1. State of Tamilnadu rep. by
The Deputy Superintendent of Police,
Manapparai Sub Division,
Trichy District.
2. State of Tamilnadu rep. by
The Inspector of Police,
Puthunatham Police Station,
Trichy District.

<https://www.mhc.tn.gov.in/judis>



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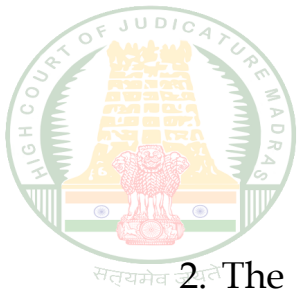
3. Paulraj,
S/o.Adaikan,
Pichampatti,
Pannapatti,
Keelpagam Village,
Manapparai Taluk, Trichy District.

Respondent(s)

For Petitioner(s): Mr.A.Robinson, Advocate
For Respondent(s): Mr.A.S.Abul Kalam Azad
Government Advocate (Crl. Side) for R1 and R2
No appearance for R3.

ORDER

The petitioners are A2 to A4 in Spl.S.C.No.44 of 2018 on the file of the Special Court for Trial of Cases under SC/ST (PoA) Act, Tiruchirappalli. They were charged for the offence under Sections 294(b), 323 IPC and Sections 3(1)(r) and 3(1)(s) of SC/ST (PoA) Act and Section 506(1) IPC r/w. Section 3(2)(Va) of SC/ST (PoA) Act. After the trial, the trial Court, by its Judgment dated 17.02.2025, found the petitioners not guilty for the offences under Section 294(b) and Sections 3(1)(r) and 3(1)(s) of SC/ST (PoA) Act and Section 506(1) IPC r/w. Section 3(2)(Va) of SC/ST (PoA) Act, however, found the petitioners guilty for the offence under Section 323 IPC and convicted and sentenced them to undergo one year simple imprisonment. Challenging the Judgment of conviction and sentence, the petitioners have preferred an appeal in Crl.A.(MD)No.323 of 2025. The petitioners have also moved this petition to suspend the sentence imposed on them by the trial Court.



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2. The learned counsel appearing for the petitioners submits that the incident was said to have taken place in the Police Station, but, the complaint was lodged only on the next day and there was no explanation for the delay in lodging the FIR. Further, there was no visible injury and it was only a reported pain. The witnesses, who happened to be eye witnesses to the occurrence, had turned hostile. Therefore, there are arguable points in this appeal. Hence, he seeks for suspending the sentence imposed on the petitioners by the trial Court.

3. This Court, on 14.03.2025, ordered notice to the 3rd respondent/defacto complainant. Though notice was served to the 3rd respondent and his name has also been printed in the cause list, there is no representation for the 3rd respondent.

4. Heard the learned Government Advocate (Crl. Side) appearing for the respondent Police.

5. The petitioners have 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. Considering the points raised by the petitioners and for the reasons that the appeal could not be taken up immediately, this Court is inclined to allow this petition.

6. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioners are ordered to be



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enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned I Additional Sessions Judge, Special Court for Trial of Cases under SC/ST (PoA) Act, Tiruchirappalli and on further conditions that the petitioners shall appear before the trial Court once in a month, i.e. on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal.

sd/-

27/03/2025

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/04/2025

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

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TO

1 THE I ADDITIONAL SESSIONS JUDGE,
SPECIAL COURT FOR TRIAL OF CASES UNDER SC/ST (POA) ACT, TRICHY.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
MANAPARAI SUB DIVISION, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE,
PUTHANATHAM POLICE STATION TRICHY DISTRICT.

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

+1 CC to M/s.A.ROBINSON, Advocate (SR-3562[I] dated 27/03/2025)



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ORDER

IN

Crl.M.P.(MD)No.3402 of 2025

in

Crl.A.(MD)No.323 of 2025

Date :27/03/2025

RS/VR/SAR-(01.04.2025) 5P 6C

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