



CrI.MP(MD) No.3588 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.MP(MD) No.3588 of 2025

in

CrI.A(MD) No.337 of 2025

S.Babu

... Petitioner

Vs.

1.State of Tamil Nadu
Deputy Superintendent of Police,
Theni Sub-Division, Theni Police Station,
Theni.
[Crime No.393 of 2012]

2.M.Andal

... Respondents

Prayer: Petition filed under Section 430 of BNSS to suspend the sentence passed in SplSC.No.50 of 2020, dated 21.01.2025 on the file of the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Theni pending disposal of the above appeal.

For Petitioner : Ms.Mahalakshmi

For Respondent : Mr.A.S.Abul Kalam Azad,
Government Advocate (CrI Side) for R1
: No representation for R2

ORDER

The petitioner / accused No.1 in Spl.SC.No.50 of 2020 was found guilty by the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Theni, convicted



CrI.MP(MD) No.3588 of 2025

सत्यमेव जयते
WEB COPY

and sentenced to pay a fine of Rs.1,000/-, in default, to undergo 1 month simple imprisonment for the offence under Section 294(b) IPC; to undergo 6 months simple imprisonment with fine of Rs.1,000/-, in default, to undergo 1 month simple imprisonment for the offence under Section 3(1)(r) of SC/ST (POA) Act and sentenced to undergo 6 months simple imprisonment with fine of Rs.1,000/-, in default, to undergo 1 month simple imprisonment for the offence under Section 3(1)(s) of SC/ST (POA) Act. As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in CrI.A(MD) No.337 of 2025 along with this petition to suspend the sentence imposed on him by the trial court. The appeal has been admitted by this Court.

2.The learned Counsel for the petitioner submits that there is a delay of two days in registering the FIR. The alleged occurrence is said to have taken place in the residential area. However no resident of that particular area has been examined. The evidence of PW1 and PW11 creates suspicion over the registration of FIR. The prosecution has failed to prove its case beyond reasonable doubt. The trial Court has not considered the same. The sentence is only 6 months simple imprisonment. Therefore, the learned Counsel prayed that the sentence be suspended pending the appeal



CrI.MP(MD) No.3588 of 2025

WEB COPY

3.The learned Government Advocate appearing for the respondent submits that the prosecution has proved its case and the trial Court has considered the prosecution witnesses and the documents and convicted the petitioner.

4.The 2nd respondent/ defacto complainant has been served with notice and name has been printed in the cause list. However there is no representation for 2nd respondent.

5.This Court considered the rival submissions made and perused the material placed on record.

6.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. Considering the points raised by the petitioner and for the reason that the appeal could not be taken up immediately, this Court is inclined to allow this petition.

7.Accordingly this petition is allowed and the substantive sentence of



CrI.MP(MD) No.3588 of 2025

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) with two sureties each for a like sum to the satisfaction of the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Theni. The petitioner shall report before the trial Court on the first working day of every month.

sd/-
30/04/2025

/ TRUE COPY /

/05/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK

TO

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

2 THE DEPUTY SUPERINTENDENT OF POLICE,
THENI SUB DIVISION,
THENI POLICE STATION,
THENI

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

+1 CC to M/s.S.MAHALAKSHMI, Advocate (SR-5211[I] dated 30/04/2025)



WEB COPY



CrI.MP(MD) No.3588 of 2025

ORDER
IN
CRL MP(MD) No.3588 of 2025
in
CrI.A(MD) No.337 of 2025
Date :30/04/2025

SS/SAR- /05/05/2025/ 5P/5C

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