



CrI.MP(MD) No.5306 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.MP(MD) No.5306 of 2025

in

CrI.A(MD) No.474 of 2025

1.Petchimuthu
2.Poongodi
3.Dhuneshkumar

... Petitioners

Vs.

1.State of Tamil Nadu
Deputy Superintendent of Police,
Bodi Sub-Division, Bodi Taluk Police Station,
Theni District.
[Crime No.689 of 2018]

2.Mani
W/o.Perumal

... Respondents

Prayer: Petition filed under Section 430 of BNSS to suspend the sentence of imprisonment imposed by the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Theni in Spl.SC.No.156 of 2020 by judgment dated 19.02.2025 and enlarge the petitioner on bail pending disposal of the appeal.

For Petitioners : Mr.A.K.Azagar Sami

For Respondent : Mr.A.S.Abul Kalam Azad,

Government Advocate (CrI Side) for R1

: No representation for R2

ORDER

The petitioners are accused 1 to 3 respectively in Spl.SC.No.156 of 2020 were



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found guilty by the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Theni, convicted and each 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 1 year imprisonment with fine of Rs.1,000/-, in default, to undergo 3 months month simple imprisonment for the offence under Section 506(i) IPC r/w Section 3(2) (va) of SC/ST (POA) Act; to undergo 6 months 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. Apart from that A2 was also sentenced to under to 1 year rigorous imprisonment with a fine of Rs.5000/- and in default to under go1 month simple imprisonment for the offence under Sections 3 and4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act. As against the conviction and sentence imposed by the trial Court, the petitioners have filed an appeal in Crl.A(MD) No.474 of 2025 along with this petition to suspend the sentence imposed on them by the trial court. The appeal has been admitted by this Court.

2.The learned Counsel for the petitioners submits that there is a delay of 25 days

in registering the FIR. This delay has not been properly explained by the prosecution.



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The ExP1 complaint is highly doubtful since according to the prosecution PW1 lodged the complaint on the next day of occurrence in the police station and it was typed by the police official and PW1 signed it, but PW1 in her statement admitted that the complaint was written by one Advocate. The prosecution has improved its case from the complaint. The alleged injuries are not stated in the complaint and in the statement recorded under Section 161 CrPC. Since there is a civil dispute pending between the petitioners and the defacto complainant, this false complaint has been lodged and the civil dispute is spoken by the PW4. The The mandatory provisions under Section 7 of the SC/ST Act have not been complied with. The prosecution has failed to prove its case beyond reasonable doubt. The trial Court has not considered the same. Therefore, the learned Counsel prayed that the sentence be suspended pending the appeal.

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. Therefore he objects to suspend the sentence.

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.



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

6.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 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 imprisonment alone is suspended pending disposal of the criminal appeal and the petitioners are ordered to be enlarged on bail on each 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 petitioners shall report before the trial Court on the first working day of every month.

sd/-
30/04/2025

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

DSK

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- TO
- 1 THE JUDGE,
SPECIAL COURT FOR TRIAL OF CASES UNDER
SC/ST(POA) ACT, THENI.
 - 2 THE DEPUTY SUPERINTENDENT OF POLICE,
BODI SUB DIVISION,
BODI TALUK POLICE STATION,
THENI DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.5306 of 2025
in
CrI.A(MD) No.474 of 2025
Date :30/04/2025

SS/SAR- /05/05/2025/ 5P/4C

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