



CrI.MP(MD) No.5178 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.MP(MD) No.5178 of 2025

in

CrI.A(MD) No.459 of 2025

Nethaji

... Petitioner

Vs.

1.State of Tamil Nadu
Deputy Superintendent of Police,
Nilakottai Sub-Division,Dindigul District.
[Crime No.348 of 2011]

2.Pagutharivu

... Respondents

Prayer: Petition filed under Section 430(1) of BNSS to suspend the sentence passed by the judgment dated 18.03.2025 made in SplSC.No.32 of 2021 on the file of the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act Dindigul District and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.R.Muthukumaran

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

Government Advocate (CrI Side) for R1
: No representation for R2

ORDER

The petitioner / sole accused in Spl.SC.No.32 of 2021 was found guilty by the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act Dindigul,



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convicted and sentenced to undergo 6 months simple imprisonment with fine of Rs.1,000/-, in default, to undergo 2 months 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 2 months 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 Crl.A(MD) No.459 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 complaint against the petitioner is that he abused the 2nd respondent by using his caste name and attempted to attack him with knife.

3.The learned Counsel for the petitioner submits that except PW2 all other witnesses are relatives and they interested witnesses. The alleged eye witnesses PW2, PW3 and PW10 are contradicting with each other and three different versions are projected as to commission of offence. There is no independent witness. The prosecution has failed to prove its case beyond reasonable doubt. The trial Court has not considered the same. The sentence is 6 months simple imprisonment. Therefore, the learned Counsel prayed that the sentence be suspended pending the appeal



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4.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.

5.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.

6.This Court considered the rival submissions made and perused the material placed 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. 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.

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



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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 Dindigul. The petitioner shall report before the trial Court on the first working day of every month.

sd/-
29/04/2025

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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

TO

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

2 THE DEPUTY SUPERINTENDENT OF POLICE,
NILAKOTTAI SUB DIVISION,
DINDIGUL DISTRICT.

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

+1 CC to M/s.R.MUTHUKUMARAN, Advocate (SR-5233[I] dated 30/04/2025)



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ORDER
IN
CrI.MP(MD) No.5178 of 2025
in
CrI.A(MD) No.459 of 2025
Date :29/04/2025

SS/SAR- /06/05/2025/ 5P/5C

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