



Crl.M.P.(MD)No.5864 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

Crl.M.P.(MD)No.5864 of 2025

in Crl.A.(MD)No.510 of 2025

Chitradevi,
W/o.Ajaygosh,
Maravamangalam,
Kalaiyarkovil,
Sivagangai District.

Petitioner(s)

versus

The State of Tamilnadu Rep. by
1. The Deputy Superintendent of Police,
Sivagangai,
Sivagangai District.

2. The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.

3. Pandikannan,
S/o.Ariyamuthu,
Maravamangalam,
Kalaiyarkovil,
Sivagangai District.

Respondent(s)

For Petitioner(s):

Mr.N.Mohideen Basha
Advocate



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For Respondent(s):

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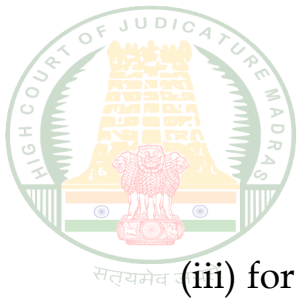
Mr.P.Kottaichamy,
Government Advocate for R1 and R2

ORDER

The petitioner is the 2nd accused in Spl.S.C.No.19 of 2023 on the file of the Sepecial Court for Trial of Cases under SC/ST (POA) Act 1989, Sivagangai. She was tried along with five other accused for the offence under Sections 355 IPC and 323 of IPC r/w. 3(2)(va) of SC/ST (POA) Amendment Act, 2015 and Sections 3(1)(r) and 3(1)(s) of SC/ST (POA) Amendment Act 2015. In conclusion of trial, the trial Court, by its Judgment dated 08.04.2025, found the petitioner guilty for the offence under Sections 355 IPC and 323 of IPC r/w. 3(2)(va) of SC/ST (POA) Amendment Act, 2015 and Sections 3(1)(r) and 3(1)(s) of SC/ST (POA) Amendment Act 2015, convicted and sentenced her as under:

(i) for the offence under Section 355 IPC, to undergo three months simple imprisonment and to pay a fine of Rs.100/- in default to undergo one week simple imprisonment;

(ii) for the offence under Section 323 of IPC r/w. 3(2)(va) of SC/ST (POA) Amendment Act, 2015, to undergo one month simple imprisonment and to pay a fine of Rs.100/- in default to undergo one week simple imprisonment.



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(iii) for the offence under Section 3(1)(r) of SC/ST (POA) Amendment Act 2015, to undergo six months simple imprisonment and to pay a fine of Rs.100/- in default to undergo one week simple imprisonment.

(iv) for the offence under Section 3(1)(s) of SC/ST (POA) Amendment Act 2015, to undergo six months simple imprisonment and to pay a fine of Rs.100/- in default to undergo one week simple imprisonment.

Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD)No.510 of 2025 and the same has been admitted by this Court on 30.04.2025. The petitioner has also moved this petition seeking suspension of sentence.

2. The learned counsel appearing for the petitioner submits that it is a case in counter, however, the complaint of the petitioner has been suppressed by the prosecution. He further submits that P.W.2 to P.W.4 are relatives of P.W.1 and they are chance witnesses. The occurrence was said to have taken place in the shop of P.W.5, however, P.W.5 has not supported the case of the prosecution. Therefore, the petitioner is having certain arguable points in her favour. He further submits that the trial Court, while passing the Judgment of conviction, suspended the sentence imposed on the petitioner for a period of one month. Since the petitioner is having a three-month-old baby, the learned counsel seeks to suspend the sentence imposed on



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the petitioner till the disposal of the appeal.

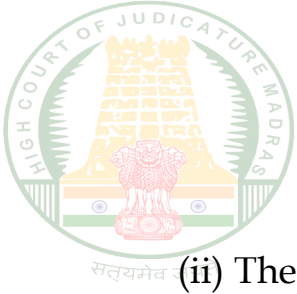
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3. Heard the learned Government Advocate (Crl. Side).

4. The petitioner is having certain arguable points, which can be considered at the time of final hearing of the appeal and the appeal could not be taken up for final hearing for want of time. Considering the points raised by the petitioner and also considering the fact that the petitioner is having a three-month-old baby and the trial Court has already suspended the sentence for a period of one month, this Court is inclined to suspend the sentence imposed on the appeal.

5. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on the following conditions:

(i) Since the sentence imposed on the petitioner has already been suspended by the trial Court for a period of one month, the petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Special Court for Trial of Cases under SC/ST (POA) Act 1989, Sivagangai;



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(ii) The petitioner shall appear before the said 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/-
30/04/2025

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30/04/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

1. The Special Court for Trial of Cases
under SC/ST (POA) Act, 1989,
Sivagangai.
2. The Deputy Superintendent of Police,
Sivagangai,
Sivagangai District.
3. The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. C.C. to N. MOHIDEEN BASHA Advocate SR.No.5171(I) DT.30.04.2025



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ORDER IN
CRL MP(MD) No.5864 of 2025
Date :30/04/2025

PP/SAR. /30.04.2025/6P/6C

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