



CRL MP(MD) NO. 7772 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20-06-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

CRL MP(MD) NO. 7772 of 2025

IN

CRL A(MD) NO. 679 OF 2025

Samaraj
S/o.Chella Thevar, Ammapatti, Aundipatti, Theni District.

Petitioner(s)

Vs

The State of Tamil Nadu
Rep by The Deputy Superintendent of Police, Aundipatti
Sub Division, Rajathani Police Station, Theni District and
another.

Respondent(s)

For Petitioner(s):
Mr.C. Susikumar

For Respondent(s):
Mr.K.Gnanasekaran,
Government Advocate (Crl. Side)

PRAYER: This Petition is filed under Section 430(1) of BNSS praying to suspend the sentence imposed against the petitioner in Special S.C.No.121/2020 dated 19.03.2025 on the file of the Special Court for trial of cases under SC/ST (PoA) Act, Theni and enlarge him on bail pending disposal of the above appeal.



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ORDER

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The Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Judge, Special Court for trial of cases under SC/ST (PoA) Act, Theni, dated 19.03.2025 in Special S.C.No.121/2020 till the disposal of appeal.

2.The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned Trial Judge, for the alleged offences punishable under Sections 294(b) IPC, 506(i) IPC r/w 3(2)(va) of SC/ST (PoA) Amendment Act, 2015 and Section 3(1)(r), 3(1)(s) SC/ST (PoA) Act, 1989 and sentenced him to pay a fine of Rs.1,000/-, in default to undergo one month simple imprisonment for the offence under section 294(b) of IPC, sentenced him to undergo 6 months simple imprisonment and to pay a fine of Rs.1,000/- in default to undergo two months simple imprisonment for the offence u/s.506(i) IPC r/w 3(2)(va) of SC/ST (PoA) Amendment Act, 2015, sentenced him to undergo 6 months rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo 1 month simple imprisonment for the offence u/s3(1)(r) of SC/ST (PoA) Act, 1989 and sentenced him to undergo 6 months rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo 1 month simple imprisonment for the offence u/s3(1)(s) of SC/ST (PoA) Act, 1989 The sentences were ordered to run concurrently. Set off under Section 468 BNSS is also ordered.



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3. The appellant was convicted to undergo sentence for a period of 6 months and the Trial Court has itself suspended the sentence for one month. The petitioner / accused has not surrendered even after the expiry of one month.

4. The learned Government Advocate (Crl. Side) submitted that the prayer for suspension of sentence can be considered on conditions.

5. As there is no possibility of taking up the appeal within a short period and also taking into consideration of the fact that the sentence imposed against the petitioner has already been suspended by the Trial Court and also the grounds made out to admit this appeal, I feel it is appropriate to suspend the sentence alone on conditions. Accordingly, the substantive part of the sentence alone is suspended on the following conditions:

- i. that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judge, Special Court for trial of cases under SC/ST (PoA) Act, Theni;
- ii. that 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 appeal.



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6. Accordingly, this Criminal Miscellaneous Petition is allowed.

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sd/-
20/06/2025

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/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

mbi
To

- 1.The Judge, Special Court for trial of cases
under SC/ST (PoA) Act, Theni
- 2.The Deputy Superintendent of Police,
Aundipatti Sub Division,
Rajathani Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
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IN
CRL A(MD) NO. 679 OF 2025
Date :20/06/2025

MK/23.06.2025 4P/4C

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