



CRL MP(MD) NO. 7884 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23-06-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

CRL MP(MD) NO. 7884 of 2025

IN

CRL A(MD) NO. 688 OF 2025

Manikandan

S/o. Karuppa Thevar, Pandi Kovil Street, 12th Ward,
Allinagaram, Theni District.

Petitioner(s)

Vs

The State of Tamilnadu

Rep by The Deputy Superintendent of Police, Theni Sub
Division, Alinagaram Police Station, Theni District. Crime
no.125 of 2015.

Respondent(s)

Prayer: Criminal Miscellaneous Petition is filed for suspension of sentence imposed
by the learned Sessions Judge, Special Court for trial of cases under SC/ST (POA)
Act, Theni, dated 23.05.2025 made in Spl.S.C.No.12 of 2020.

For Petitioner(s): M/s.A.R.Kannappan
Sivakumar.G
J.Yesu Subananth

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



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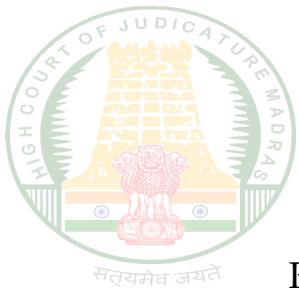
ORDER

The Criminal Miscellaneous Petition is filed for suspension of sentence imposed by the learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Theni, dated 23.05.2025 made in Spl.S.C.No.12 of 2020.

2.The case of the prosecution as it appears from the records is that, the accused had assaulted PW1 with handle of spade and caused fracture on the PW1's right hand and abused him with caste calling in the public.

3.At the conclusion of trial, the trial Judge had found guilty against the appellant/ A1 for the offence under Sections 294(b), 326 IPC r/w 3(2)(va) of SC/ST (POA) Amendment Ordinance 2014 and 3(1)(r), 3(1)(s) of SC/ST (POA) Act 1989. The trial Judge has convicted and sentenced the petitioner/appellant in the following manner:

- 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 rigorous imprisonment for a period of 1 year and to pay a fine of Rs.2,000/- in default to undergo 1 month simple imprisonment for the offence under section 326 r/w 3(2)(va) of SC/ST (POA) Amendment Ordinance 2014;
- to undergo 6 months rigorous imprisonment and to pay a fine of



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Rs.1,000/- in default to undergo 1 month simple imprisonment for the offence under section 3(1)(r) of SC/ST (POA) Act, 1989;

- 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 under section 3(1)(s) of SC/ST (POA) Act, 1989.

Aggrieved over that, the appellant has preferred this appeal.

4.The learned counsel for the appellant submitted that it is a case and case in counter, where A2 and A3 were injured. But this was not considered by the trial Court. In the Judgment of the trial Court it is stated that A3 was admitted in ICU unit. The trial Court has also proceeded to record about the case registered on the complaint given by A3 in Cr.No.124 of 2015. This case has been registered based on the complaint given by PW1 in Cr.No.125 of 2015.

5.The learned counsel for the appellant further submitted that when there are counter cases, it is obligatory on the part of prosecution to take both the cases for investigation and find out, who is the real aggressor. The above procedure is not followed by the investigation officer and the trial Court has concluded that A1 to A3 were only present in the place of occurrence and A1 had assaulted PW1 with the handle of the spade.

6.As the trial Court appears to have lost sight of the fact that it is a case



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and case in counter and it is the duty of the investigation officer to find out who is the aggressor, there are sufficient grounds made out for a detailed hearing in the Appeal.

7.As the appeal has been admitted on grounds that deserve to be heard and there is no possibility to hear the appeal immediately, I feel it is appropriate to suspend the sentence alone on conditions.

8.Accordingly, the substantive part of the sentence alone is suspended till the disposal of the appeal 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 Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Theni;
- ii. that the petitioner shall appear before the trial Court on all working days at 10.30a.m., till the disposal of the appeal.

9. Accordingly, this Criminal Miscellaneous Petition is allowed.

sd/-
23/06/2025

/ TRUE COPY /

25/06/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO
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- 1 THE SESSIONS JUDGE, SPECIAL COURT FOR TRIAL OF CASES UNDER SC/ST(POA) ACT, THENI.
 - 2 THE DEPUTY SUPERINTENDENT OF POLICE, THENI SUB DIVISION, ALINAGARAM POLICE STATION, THENI DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.A.R.KANNAPPAN, Advocate (SR-6638[I] dated 23/06/2025)

ORDER
IN
CRL MP(MD) NO. 7884 of 2025
IN
CRL A(MD) NO. 688 OF 2025
Date :23/06/2025

NBF/25.06.2025 5P/5C

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