

CRL MP(MD) No. 9348 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 22.07.2025

CORAM

THE HONOURABLE DR JUSTICE R.N.MANJULA

CRL MP(MD) No. 9348 of 2025

in CRL A(MD) No. 766 of 2025

Anjaneyar

...Petitioner/Sole Accused

Vs.

1.The Deputy Superintendent of Police,
Bodi Sub Division,
Chinnamanur Police Station,
Theni District
In Crime No.638 of 2017

...1st Respondent/Complainant

2.Mokkavellai

..2nd Respondent/Defacto complainant

PRAYER : This Criminal Miscellaneous Petition is filed under Section 430 (1) of BNSS, to suspend the execution of sentence imposed against the petitioner in Special Court for Trial of Cases under SC/ST (POA) Act, Theni, in Spl.S.C.No.100/2020 dated 19.06.2025 and enlarge him on bail pending disposal of the above criminal appeal.



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For Petitioner : Mr.P.Pravennkumar

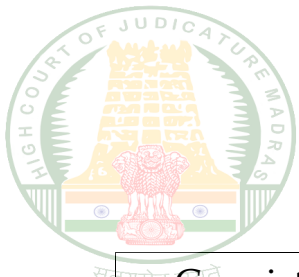
For R1 : Mr.K.Gnanasekaran

Government Advocate(crl.side)

ORDER

The Criminal Miscellaneous Petition is filed to suspend the sentence of imprisonment imposed on the petitioner by the learned Special Court for Trial of Cases under SC/ST (POA) Act, Theni, in Spl.S.C.No.100/2020 dated 19.06.2025 and enlarge him on bail pending disposal of above appeal.

2. The appellant is the sole accused, who has been charged for the offences under Sections 294(b), 323 and 506(i) of IPC r/w 3(2)(va) of SC/ST (POA) Amendment Act, 2015 and 3(1)(r), 3(1)(s) of SC/ST (POA) Act, 1989. After conclusion of trial, he was found guilty for the offences punishable under Sections 294(b) and 323 of IPC r/w 3(2)(va) of SC/ST (POA) Amendment Act, 2015 and 3(1)(r), 3(1)(s) of SC/ST (POA) Act, 1989 and 506(i) of IPC r/w 3(2)(va) of SC/ST(POA) Amendment Act, 2015 and convicted and sentenced him as below:



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Convicted for the offences under Sections	Punishment imposed by the trial Judge
294(b) of IPC	To pay a fine of Rs.1,000/-, in default to undergo one month of simple imprisonment
323 of IPC r/w 3(2)(va) of SC/ST (POA) Amendment Act	To undergo six months of simple imprisonment and to pay a fine of Rs.1,000/-, in default to undergo one month of simple imprisonment
3(1)(r) of SC/ST (POA) Act	To undergo six months of rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo one month of simple imprisonment
3(1)(s) of SC/ST(POA) Act	To undergo six months of rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo one month of simple imprisonment
506(i) of IPC r/w 3(2)(va) of SC/ST (POA) Amendment Act	To undergo six months of simple imprisonment and to pay a fine of Rs.1,000/-, in default to undergo one month of simple imprisonment

3. The case of the prosecution in nutshell is that the complainant belonged to Scheduled Caste Community and the accused belonged to a different community and they are known to each other. Due to previous enmity, the accused allegedly abused the complainant in filthy language, including caste-based remarks, in the presence of the public. The complainant did not react, but the accused held the shirt of the complainant, assaulted him on his left cheek and also threatened him by



stating that he would destroy him and his community.

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4. The learned counsel for the appellant submitted that the learned trial Judge has failed to appreciate the evidence in its proper perspective, even the doctor has stated in his evidence that there was no external injury on the body of the defacto complainant. Furthermore, the Accident Register merely refers to "pain", but does not specify in which part of the body the pain was reported, which would render the medical record vague and inconclusive. He further contended that though P.W.2 and P.W.3 have supported the case of the prosecution, the evidence of P.W.1 does not mention about the presence of P.W.2 and P.W.3 at the time of occurrence.

5. The learned counsel for the petitioner also submitted that there was a delay in lodging the FIR and there is contradiction in the evidence of P.W.1 in mentioning the place of occurrence. He would further submit that the shirt of the defacto complainant was not produced as material object to prove that the accused held the shirt of the defacto complainant and slapped him. It is the specific case of the petitioner that P.W.2 and P.W.3 are relatives and P.W.5 and P.W.6 admitted that they belong to P.W.1's community. Hence, their evidence is not trust worthy.



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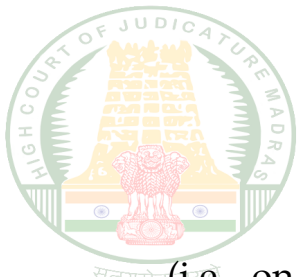
6. This Court has carefully considered the contentions made and also perused the materials available on record.

7. The learned counsel for the petitioner/appellant pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars and there is no previous case pending against the petitioner.

8. Considering the fact that there are arguable points involved in this criminal appeal and there is no possibility to take up the appeal immediately, I feel it is appropriate to suspend the sentence of imprisonment alone on conditions.

10. Accordingly, this petition is allowed and the substantive part of the sentence of imprisonment 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 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



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(i.e., on the first working day of every English Calendar month) at 10.30
a.m. till the disposal of appeal.

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sd/-
22/07/2025

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

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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,
Chinnamanur Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL MP(MD) No.9348 of 2025
Date :22/07/2025

SBN/24.07.2025 6P/4C

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