



CRL MP(MD) NO. 9696 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2025

CORAM

THE HONOURABLE Dr.JUSTICE R.N.MANJULA

CRL MP(MD) NO. 9696 of 2025

IN

CRL A(MD) NO. 784 OF 2025

1.Karuppiah
2.Murugan
3.Karuppasamy

Petitioner(s)

Vs

1.The State of Tamil Nadu
Rep. by The Deputy Superintendent of Police,
Thiruchuli Sub-Division,
Thiruchuli Police Station,
Virudhunagar District.
Crime No.218 of 2022.

2.Murugan

Respondent(s)

For Petitioner(s):

Mr.G.Karuppasamypandian

For Respondent(s):

Mr.K.Gnanasekaran,
Government Advocate (Crl. Side) for R1

No appearance for R2



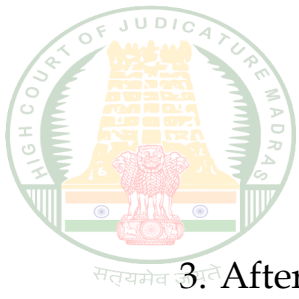
CRL MP(MD) NO. 9696 of 2025

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.6 of 2023 dated 10.07.2025 on the file of the learned Sessions Judge, Special Court for trial of SC/ST (PoA) Act Cases, Virudhunagar District at Srivilliputtur and enlarge them on bail pending disposal of the above appeal.

ORDER

The Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Sessions Judge, Special Court for trial of SC/ST (PoA) Act Cases, Virudhunagar District at Srivilliputtur, dated 10.07.2025 in Special S.C.No.6 of 2023 till the disposal of appeal.

2. The case of the prosecution is that the defacto complainant who belongs to SC/ST community is residing in Aladipatti Village and his family was allotted house plots by Adhidraavidar Welfare Department. A pathway is running through the defacto complainant's lands and that was used by A1 and A2 who belong to non-SC/ST community. The defacto complainant objected to use the land as pathway by A1 and A2. During that course, A1 and A2 abused the defacto complainant by cast calling and posed life threats. The lands were finally measured and fenced by the Authorities. On 16.10.2022, A3 at the instigation of A1 and A2 drove a tipper lorry bearing Registration No.TN 67 K 2332 back and forth and demolished the defacto complainant's house and caused damage to the tune of Rs.1,86,858/-.



CRL MP(MD) NO. 9696 of 2025

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3. After the conclusion of trial, the Trial Court found the petitioners / accused guilty for the offences of mischief and causing damage knowing well that the land belongs to the defacto complainant who belong to SC/ST community.

4. The learned counsel appearing for the petitioners submitted that the earlier complaint given by PW4 has been suppressed; the contradictions between the material evidence and evidence of PW1 to PW3 have not been considered by the Trial Court; and A1 and A2 were not present at the scene of occurrence, even then, they have been convicted.

5. On the perusal of the Judgement, it is seen that there was a previous motive with regard to the pathway and A1 and A2 objected to fencing and surveying work to be carried out in this regard by the defacto complainant. The Trial Court got convinced about the presence of A1 and A2 in the place of occurrence. The Trial Court has observed that the lorry belong to A2 and A3 was called by A1. Having convinced that the above facts would convey the meeting of minds between the petitioners / accused, the Trial Court had convicted all the three accused.



CRL MP(MD) NO. 9696 of 2025

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6. The Trial Court has ignored the contention of PW4 who is the sister of PW2, who has stated in her evidence that she had given a complaint before the defacto complainant.

7. The defacto complainant who is present in person has stated that he is being followed by the petitioners / accused and he apprehends untowardness in the hands of the petitioners / accused.

8. Mr.K.Gnanasekaran, learned Government Advocate (Crl. Side) appearing for the first respondent Police submitted that if the sentence is suspended, the petitioners / accused will abscond. However, in the counter filed by the first respondent Police, no valid objection has been raised for suspending the sentence. All that has been stated in the counter pertains to the merits of the appeal.

9. At this juncture, the learned counsel appearing for the petitioners submitted that the petitioners have got permanent residence and in fact, the Trial Court itself has suspended the sentence till 10.08.2025 as the petitioners / accused have paid the fine amount. It is further submitted that the petitioners / accused are ready to comply any stringent conditions and will not disturb the complainant.



CRL MP(MD) NO. 9696 of 2025

WEB COPY

10. Maximum punishment imposed on the petitioners / A1 to A3 is 2 years / 3 years respectively and there is no possibility to take up the appeal immediately or in near future. Taking into consideration of the permanent residence of the petitioners / accused and also in view of the objection raised by the defacto complainant in person, I feel it is appropriate to suspend the sentence alone on stringent conditions. Accordingly, the substantive part of the sentence alone is suspended on the following conditions:

- i. that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for trial of SC/ST (PoA) Act Cases, Virudhunagar District at Srivilliputtur;
- ii. that the first petitioner / A1 shall stay at Tiruchirappalli and appear and sign before the Cantonment Police Station daily at 10.30 a.m. till the disposal of appeal.
- iii. that the second petitioner / A2 shall stay at Kumbakonam and appear and sign before the Kumbakonam East Police Station daily at 10.30 a.m. till the disposal of appeal.



CRL MP(MD) NO. 9696 of 2025

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iv.that the third petitioner / A3 shall stay at Thiruvarur and appear and sign before the Thiruvarur Town Police Station daily at 10.30 a.m. till the disposal of appeal.

6. Accordingly, this Criminal Miscellaneous Petition is allowed.

sd/-
31/07/2025

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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 Sessions Judge, Special Court for trial of SC/ST (PoA) Act
Cases,
Virudhunagar District at Srivilliputtur

2.The Deputy Superintendent of Police,
Thiruchuli Sub-Division,
Thiruchuli Police Station,
Virudhunagar District.



CRL MP(MD) NO. 9696 of 2025

WEB COPY

3.The Inspector of Police,
Cantonment Police Station,
Thiruchirappalli.

4.The Inspector of Police,
Kumbakonam East Police Station,
Kumbakonam.

5.The Inspector of Police,
Thiruvarur Town Police Station,
Thiruvarur.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL MP(MD) NO. 9696 of 2025
IN
CRL A(MD) NO. 784 OF 2025
Date :31/07/2025

AS/06.08.2025/7P/7C

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