



Crl.M.P.(MD)No.10024 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.M.P(MD)No.10024 of 2025

in

Crl.A(MD)No.813 of 2025

Murugan @ Vandumurugan

... Petitioner

Vs.

1.State of Tamil Nadu rep. by
the Deputy Superintendent of Police,
Srivilliputtur Sub Division,
Vanniyampatti Vilakku Police Station,
Virudhunagar District.

Crime No. 37 of 2023 on the file of
The Inspector of Police,
Vanniyampatti Vilakku Police Station,

2.V.Muthulakshmi

... Respondent

PRAYER : Criminal Miscellaneous Petition filed under Section 430 of BNSS, to suspend the sentence of imprisonment imposed by the learned Sessions Judge, Special Court for SC/ST (PoA) Act Cases, Virudhunagar District at Srivilliputtur, in Spl.S.C.No.24 of 2023, dated 01.07.2025 pending disposal of the appeal.



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For Petitioner : Ms.A.Lakshmi,
For Respondents : Mr.K.Gnanasekaran,
Government Advocate (Criminal Side)
for R1.
: No Appearance, for R2.

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the learned Sessions Judge, Special Court for SC/ST (PoA) Act Cases, Virudhunagar District at Srivilliputtur, in Spl.C.C.No.24 of 2023, dated 01.07.2025, till the disposal of the appeal.

2. The case of the prosecution is that the defacto complainant belongs to scheduled caste community and is residing at Achamthavirthan Pillaiyar Kovil Street along with her family. The accused belongs to some other community, who is also residing in the same street. On 22.02.2023 at about 09.20 pm, when the defacto complainant was feeding her cows in the cowshed situated in her residential premises, the accused entered into the defacto complainant's premises and when the same was questioned by the defacto complainant, the accused pulled her and attempted to misbehave



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with her. On the basis of the complaint of the defacto complainant, FIR came to be registered in Crime No.37 of 2023 for the offences under Sections 354, 354A IPC, Section 4 of TNPHW Act and Sections 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(va) of SC/ST Act.

3. The respondent police, after completing the investigation, has filed the final report and the case was taken on file in Spl.C.C.No.24 of 2023 and the same was pending before the Special Court for SC/ST (PoA) Act Cases, Virudhunagar District at Srivilliputhur.

4. During trial, the prosecution examined 8 witnesses as P.W.1 to P.W.8 and exhibited 6 documents as Ex.P.1 to Ex.P.6. Whereas, the accused has adduced neither oral nor documentary evidence.

5. The learned Sessions Judge, upon considering the evidence, both oral and documentary and on hearing the arguments on both the sides, has passed the impugned judgment, dated 01.07.2025 convicting the petitioner/accused for the offence under Section 354 A of IPC and Section 3(1)(w)(ii) of SC/ST (POA) Act and sentenced him to undergo two years



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rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment and for the offence under Section 4 of TNPHW Act, sentenced him to undergo two years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo one month simple imprisonment. The Trial Court has suspended the sentence imposed on the petitioner till 01.08.2025. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

6. The learned Government Advocate (Criminal Side) appearing for the State would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

7. The learned counsel appearing for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would also submit that the petitioner has already paid the fine amount.



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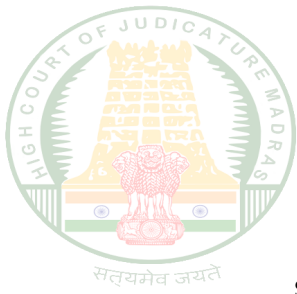
8. Despite receipt of notice, the second respondent has not turned up.

9. This Court has carefully considered the rival contentions put forward by the learned counsel for the petitioner as well as the learned Government Advocate (Criminal side) appearing for the State and also perused the materials available on record.

10. The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of suspension of sentence.

11. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:-

(i) the petitioner is directed to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two



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sureties, each for a like sum to the satisfaction of the Special Court for SC/ST (POA) Act Cases, Virudhunagar District at Srivilliputhur;

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;

(iii) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C (355 of BNSS) and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

18.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das



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To

- 1.The Special Judge, Special Court for SC/ST (POA) Act Cases,
Virudhunagar District at Srivilliputhur.
2. The Deputy Superintendent of Police,
Srivilliputtur Sub Division,
Vanniyampatti Vilakku Police Station,
Virudhunagar District.
- 3.The Inspector of Police,
Vanniyampatti Vilakku Police Station,
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

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