



Crl.M.P.(MD)No.11297 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.M.P(MD)No.11297 of 2025

in

Crl.A(MD)No.903 of 2025

Sankar

... Petitioner

Vs.

1.State of Tamil Nadu rep. by
the Deputy Superintendent of Police,
Sattur Sub Division,
Vembakottai Police Station,
Virudhunagar District.
Crime No.325 of 2022.

2.Ramar

... Respondent

PRAYER : Criminal Miscellaneous Petition filed under Section 430(2) 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 Srivilliputur, in Spl.S.C.No.7 of 2023, dated 12.08.2025 and enlarge the petitioner/appellant on bail, pending disposal of the appeal.

For Petitioner : Mrs.S.Prabha

For Respondents : Mr.B.Thanga Aravindh,
Government Advocate (Criminal Side), for R1.

: Mr.T.Thirumurugan, for R2.



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ORDER

This matter is listed today under the caption “For Being Mentioned” at the instance of the learned Counsel for the petitioner.

2. This Court vide order, dated 11.09.2025 in Crl.M.P(MD)No.11297 of 2025 in Crl.A(MD)No.903 of 2025, allowed the petition and suspended the sentence imposed on the petitioner with certain conditions.

3.The learned counsel for the petitioner would submit that in the order passed by this Court, in Crl.M.P(MD)No.11297 of 2025 in Crl.A(MD) No.903 of 2025, dated 11.09.2025, the sessions case number has been wrongly mentioned as ‘Spl.C.C. No.7 of 2023’ instead of ‘Spl.S.C. No.7 of 2023’ in Paragraphs 1 and 3, and therefore, he seeks necessary corrections in the said order.

4. Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate (Criminal Side) appearing for the State and also perused the order, dated 11.09.2025.

4. Accordingly, the Registry is directed to carry out the necessary corrections and issue fresh order copy to the parties concerned.

Das

05.12.2025

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For Petitioner

: Mrs.S.Prabha



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For Respondents : Mr.B.Thanga Aravindh,
Government Advocate (Criminal Side), for R1.
: Mr.T.Thirumurugan, 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.7 of 2023, dated 12.08.2025, till the disposal of the appeal.

2. The case of the prosecution is that there was a wordy quarrel between the petitioner and the defacto complainant, due to which, the petitioner abused the defacto complainant in filthy language by using his caste name and also attacked him with hands and caused simple injury and hence, FIR came to be registered in Crime No.325 of 2022 of the offence under Sections 294(b), 323, 324, 506(ii) IPC r/w 3(1)(r), 3(1)(s), 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.7 of 2023 and



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the same was pending before the Special Court for SC/ST (PoA) Act Cases, Virudhunagar District at Srivilliputhur.

4. During trial, the prosecution has examined 10 witnesses as P.W.1 to P.W.10 and exhibited 10 documents as Ex.P.1 to Ex.P.10. 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 12.08.2025 convicting the petitioner/accused for the offence under Section 324 of IPC and 3(2)(va) of SC/ST (POA) Act and sentenced him to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment and acquitted him for the offence under Section 294(b) of IPC and 3(1)(r), 3(1)(r)(s) of SC/ST (POA) Act and 506 (ii) IPC and Section 3(2)(va) of SC/ST (POA) Act. 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.



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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.

8. The learned counsel appearing for the second respondent would submit that after passing of judgment, the petitioner has threatened the defacto complainant and a complaint was lodged. The learned counsel for the petitioner would submit that the said allegation is false and till not, no CSR or FIR came to be registered.

9. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.



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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 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 ;



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(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.

11.09.2025

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

To

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



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K.MURALI SHANKAR,J.

das

Order made in
CrI.M.P(MD)No.11297 of 2025
in
CrI.A(MD)No.903 of 2025

Dated: 11.09.2025