



CRL MP(MD) No.12043 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09-09-2025

CORAM
THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No.12043 of 2025
in

CRL A(MD) No.955 of 2025

M.Sutha

Appellant/
Sole Accused

Vs

1.The State Tamilnadu rep by its
The Deputy Superintendent of Police,
Aundipatti Sub Division,
Rajathani Police Station,
Theni District.
(Crime No.49 of 2016)

1st Respondent/
Complainant

2.Vasanthakumar

2nd Respondent/
Defacto Complainant

Prayer in CRL MP(MD).12043 of 2025 : This Criminal Miscellaneous Petition filed under Section 430(1) B.N.S.S. praying to suspend the sentence imposed against the petitioner in Special Court for Trial of cases under SC/ST (POA) Act, Theni in Spl.S.C.No.80 of 2020 dated 13.08.2025 and enlarge them on bail pending disposal of above criminal appeal.



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Prayer in CRL A(MD).955 of 2025 : This Criminal Appeal filed under Section 415(2) B.N.S.S. praying to call for the records relating to the judgment in Spl.S.C.No.80 of 2020 dated 13.08.2025 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Theni and set aside the same and allow this criminal appeal.

For Petitioner : Mr.C.Susikumar

For Respondents : Mr.K.Gnana Sekaran,
Government Advocate (Criminal Side) for R1

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed on the petitioner/sole accused by the learned Sessions Judge, Special Court for Trial of cases under SC/ST (POA) Act, Theni, in Spl.S.C.No.80 of 2020 dated 13.08.2025, till the disposal of the appeal.

2. The case of the prosecution is that there existed some dispute between the Juvenile Santhanamurugan, who is the petitioner's son, and the second respondent/ defacto complainant and that on 11.03.2016 at about 07.40 a.m., there arose some quarrel between the petitioner's son and the second respondent and the petitioner's son had abused the second respondent in filthy language and at that time, on seeing the same, the petitioner had caught hold the shirt of the second respondent and



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assaulted him by using chappal and hence, FIR came to be registered in Crime No.49 of 2016 for the offences under Section 355 IPC r/w Section 3(l)(r) of SC/ST (POA) Amendment Ordinance 2015 against the petitioner and her son.

3. The first respondent police, after completing the investigation, has filed a final report against the petitioner and the case was taken on file in Spl.S.C.No.33 of 2017 on the file of the Principal District and Sessions Court, Theni and subsequently, the same was made over to the Special Court for Trial of Cases under SC/ST (POA) Act, Theni in Spl.S.C.No.80 of 2020 and separate charge sheet was filed against the juvenile.

4. During trial, the prosecution examined 12 witnesses as P.W.1 to P.W.12 and exhibited 6 documents as Ex.P.1 to Ex.P.6. The accused adduced neither oral nor documentary evidence.

5. The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, passed the impugned judgment dated 13.08.2025 convicting the petitioner. The petitioner has been found guilty and convicted for the offence under Section 355 IPC and sentenced her to



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undergo simple imprisonment for six months and to pay a fine of Rs.2,000/-, in default to undergo simple imprisonment for a further period of one month. The Trial Court has already suspended the sentence imposed on the petitioner till 09.09.2025. Challenging the above said conviction and sentence, the accused has preferred the present Criminal Appeal along with the above miscellaneous petition for suspension of sentence.

6. 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 further submit that the petitioner has already paid the fine amount.

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

8. This Court has carefully considered the rival contentions putforth by either side and also perused the materials available on record.



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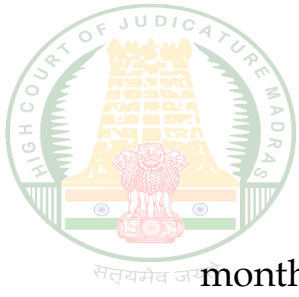
9. The learned counsel appearing for the petitioner would point out certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely 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 grant of suspension of sentence.

10. In the result, the Criminal Miscellaneous Petition is ordered. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) 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) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioner shall appear before the trial Court once in a



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month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders and if she is not able to appear before the trial Court on any day, she shall make arrangements to file an application under Section 355 B.N.S.S. and shall appear before the trial Court on any other day in lieu of the date of her absence, as directed by the trial Court.

sd/-
09/09/2025

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

CSM
To

- 1.The Sessions Judge,
Special Court for Trial of Cases under SC/ST (POA) Act,
Theni.
- 2.The Deputy Superintendent of Police,
Aundipatti Sub Division,
Rajathani Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-9842[I] dated 10/09/2025)

ORDER
IN
CRL MP(MD) No.12043 of 2025
IN
CRL A(MD) No.955 of 2025
Date :09/09/2025

AS/12.09.2025/7P/5C

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