

Crl.M.P.(MD)No.12241 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.M.P(MD)No.12241 of 2025

in

Crl.A(MD)No.962 of 2025

1.Thangeswaran

2.Ayyanar

... Petitioners

Vs.

1.State of Tamil Nadu rep. by
the Deputy Superintendent of Police,
Srivilliputtur Sub Division,
Mamsapuram Police Station,
Virudhunagar District.
Crime No.89 of 2022.

2.T.Muthukumar

... Respondents

PRAYER : Criminal Miscellaneous Petition filed under Section 430 of BNSS, to suspend the sentence of imprisonment imposed on the petitioners/A1 and A2 in Spl.S.C.No.40 of 2022, dated 08.08.2025 by the learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act Cases, Srivilliputtur, pending disposal of the above appeal.

For Petitioners : Mr.R.Rajamohan,



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

: Party-in-person, for R2.

ORDER

This Criminal Miscellaneous Petition has been filed seeking orders to suspend the sentence of imprisonment imposed on the petitioners/A1 and A2 in Spl.S.C.No.40 of 2022, dated 08.08.2025 by the learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act Cases, Srivilliputtur, pending disposal of the above appeal.

2. The case of the prosecution is that the defacto complainant belongs to scheduled caste community and is residing at Thuppuravu Sippanthi street, Mamsapuram at Srivilliputtur. The accused persons belong to some other community, who are residing at Mamsapuram, Srivilliputtur. On 03.06.2022 at about 06.00 pm, there arose wordy quarrel between the accused and the defacto complainant, due to which, the accused persons abused the defacto complainant in filthy language by using his community name and also assaulted in his nose and back with hands and attacked him by



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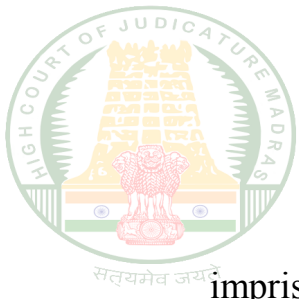
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throwing stones and caused injuries. On the basis of the complaint of the defacto complainant, FIR came to be registered in Crime No.89 of 2022 for the offences under Sections 147, 323, 324 IPC r/w Sections 3(1)(r), 3(1)(s) of SC/ST Act Amendment Act 2015.

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.40 of 2022 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 10 witnesses as P.W.1 to P.W.10 and exhibited 12 documents as Ex.P.1 to Ex.P.12. Whereas, the accused had 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 08.08.2025 convicting the petitioners/accused for the offence under Section 323 of IPC and 3(2)(va) of SC/ST (POA) Act and sentenced them to undergo six months simple



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imprisonment and to pay a fine of Rs.1,000/-, each in default, to undergo one month simple imprisonment. Further, the accused persons are found not guilty under Section 294(b) IPC and 3(1)(r)(s) of SC/ST (POA) Act and 324 of IPC and 3(2)(va) of SC/ST (POA) Act and thereby acquitted them for the above said charges. The Trial Court has suspended the sentence imposed on the petitioners till 08.09.2025. Challenging the above said conviction and sentence, the petitioners have 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 petitioners and hence, he strongly opposed to grant suspension of sentence.

7. The learned counsel appearing for the petitioners 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 petitioners have already paid the fine amount.



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8. In pursuance of notice issued by this Court, the second respondent/defacto complainant appeared in person and represented that he was brutally attacked by the accused persons and hence, he opposed to suspend the sentence.

9. This Court has carefully considered the rival contentions put forward by the learned counsel for the petitioners 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 petitioners 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 petitioners herein are entitled to the relief of suspension of sentence.

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



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(i) the petitioners are directed to 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, Srivilliputtur;

(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 petitioners 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 they are not able to appear before the trial Court on any day, they 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.

19.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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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,
Mamsapuram 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
Crl.M.P(MD)No.12241 of 2025
in
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Dated: 19.09.2025