



CRL.A(MD).No. 1160 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 21.11.2025

Delivered on : 12.12.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.A(MD).No. 1160 of 2025
and
Crl.M.P(MD)No.15806 of 2025

Vigneshwaran @ Vicky

: Appellant

Vs.

1.The State of Tamil Nadu rep.through
the Assistant Commissioner of Police (L & O)
Thirupparangundram Range,
Madurai City.

2.The State of Tamil Nadu rep.through
the Inspector of Police,
Avaniyapuram Police Station,
Madurai City. Crime No.674 of 2021.

3.M.Abirami

: Respondents

Prayer : This Criminal Appeal is filed under Section 14-A of SC/ST (PoA) Act 1989, to call for the records pertaining to the order passed by the learned III Additional District and Sessions Judge for PCR Act Cases, Madurai in Crl.M.P.No.1525 of 2023, dated 07.08.2025 in Spl.S.C.No.21 of 2022 and set aside the same as illegal.



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For Appellant : Mr.A.Naresh Prabhu,

For Respondents : Mr.K.Gnanasekaran,
Government Advocate (Criminal Side)
for R1 & R2.

: Mr.P.Gopinath, for R3.

JUDGMENT

This Criminal Appeal is directed against the order passed in CrI.M.P.No.1525 of 2023, dated 07.08.2025 in Spl.S.C.No.21 of 2022 on the file of the III Additional District and Sessions Court for PCR Act Cases, Madurai, in dismissing the petition for discharge filed under Section 227 of Cr.P.C.

2.The appellant is the second accused in Spl.S.C.No.21 of 2022 on the file of the III Additional District and Sessions Court for PCR Act Cases, Madurai.

3. The case of the prosecution is :

a) The defacto complainant, who was in love with the deceased Muthukumar, married him in the year 2014 and they were blessed with a boy, who is now studying 2nd standard in a Matriculation School, at



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Sengundram. The deceased Muthukumar was doing welding work at Sai Engineering Welding Works Company near Keerathurai bus stop. The complainant's husband used to go in the morning and return by 07.00 pm after completing his work.

b) On 14.06.2021, the complainant's husband as usual went to work and since he did not return by 07.00 pm, the complainant contacted her husband's employer Senthil, who in turn replied that the said Mutukumar left the work place by 07.00 pm itself and the complainant immediately contacted her in-laws and all of them made a search and at about 11.30 pm, they found the body of the deceased Muthukumar at Om Muruga Nagar Road, behind seemakaruvelam bushes with serious injuries.

c) The complainant lodged a complaint suspecting that her husband was murdered by some persons due to previous enmity. On the basis of the complaint lodged by the defacto complainant, who is the third respondent herein, FIR came to be registered in Crime No.674 of 2021 on 15.06.2021 against unknown persons for the offence under Section 302 IPC.

d) After initial investigation, the respondent police came to know that the first accused Vijay @ Esal, who was working in the same welding company had enmity with the deceased as the deceased was making complaints against him to the employer often and that the first accused along



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with his friends, accused 2 to 6 entered into a conspiracy to kill the said Muthukumar and in pursuance of the same, when the deceased Muthukumar was returning after completing his work, he was waylaid and attacked and as a result of serious injuries caused, he died on the spot and on that basis, the prosecution altered the case from 302 IPC into for the offence under Sections 147, 148, 341, 323, 307 and 302 IPC.

4. According to the prosecution, since the first respondent came to know that the deceased was belonging to Hindu Pallar community, he altered the case for the offences under Sections 147, 148, 341, 323, 307, 120(B), 302 r/w 34 IPC and under Section 3(2)(v) of SC/ST (PoA) Act 2015. After completing the investigation, the first respondent filed a final report against six accused persons including the appellant herein and the same was taken on file in Spl.S.C.No.21 of 2022 and is pending on the file of the III Additional District and Sessions Court for PCR Act Cases, Madurai.

5. When the sessions case was pending for framing of charges, the second accused filed an application invoking Section 227 of Cr.P.C., seeking discharge from the charge under Section 3(2)(v) of SC/ST (PoA) Act.



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6. The petitioner, in the discharge petition, has alleged that there is no *prima facie* case for making out an offence under the provisions of SC/ST (PoA) Act; that the committal Court, without considering and weighing the materials, committed the case to the Special Court mechanically and that if the Special Court proceeds with the case further, the same would be erroneous and would lead to consume the Court time unnecessarily and that therefore, the petitioner may be discharged from the charge under Section 3(2)(v) of S/ST (PoA) Act.

7. The respondent police filed a counter statement raising objections stating that the defacto complainant and her husband are belonging to schedule caste community; that Section 3(2)(v) of SC/ST(PoA) Act gets attracted, if an offence punishable for 10 years imprisonment is committed against a person or property belonged to SC/ST community; that the appellant and five others joined together and caused death of the defacto complainant's husband and that thereby all the accused had committed the offence under Section 3(2)(v) of SC/ST (PoA) Act and therefore, the discharge petition is liable to be dismissed.



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8. The learned Sessions Judge, after enquiry, passed the impugned order, dated 07.08.2025, dismissing the petition for discharge. Aggrieved by the order of dismissal, the present appeal came to be filed.

9. The learned counsel for the appellant would mainly contend that there is no material or evidence available in the record to satisfy the requirements for the offence under Section 3(2)(v) of SC/ST Act against the appellant; that there is no evidence to show that the offence was committed only on the ground that the deceased was member of schedule caste; that the committal Court, without considering and weighing the materials, mechanically committed the case to the Special Court for SC/ST (PoA) Act cases; that the deceased person belongs to SC/ST community and that by itself is not sufficient to proceed the case against the accused under SC/ST Act; that the Sessions Court failed to consider that in the absence of committing the crime based on the ground of SC/ST, does not constitute SC/ST offence and that therefore, the impugned order dismissing the discharge petition is liable to be interfered with.

10. The learned counsel for the appellant would rely on the decisions of Hon'ble Supreme Court in *Masumsha Hasanasha Musalman Vs. State*



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of Maharashtra reported in 2000 (3) SCC 557, *Prabhat Kumar Mishra @ Prabhat Mishra Vs. State of Uttar Pradesh and another* reported in 2024 INSC 172 and *Shashikant Sharma and others Vs. State of Uttar Pradesh* reported in 2023 Livelaw (SC) 1037 in support of his contentions.

11. The learned Government Advocate (Criminal Side) appearing for the State would submit that the defacto complainant and her husband Muthukumar(deceased) belonged to schedule caste community; that both of them were in love and entered into marriage in the year 2014 and the deceased was doing welding work in Sai Engineering Welding Company; that the first accused was also working in the same company and since the deceased Muthukumar was making complaints against the first accused before their employer, the first accused had previous enmity with the deceased and he along with his friends entered into a conspiracy to kill the said Muthukumar and in pursuance of the same, when the deceased was returning from his work place, they waylaid and attacked and as a result of which, the said Muthukumar succumbed to the injuries on the spot itself and that the first respondent, after completing the investigation, has rightly filed the charge sheet for the offence of murder and other offences under IPC along with Section 3(2)(v) of S/ST (PoA) Act.



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12. The learned Government Advocate (Criminal Side) would further submit that the deceased was belonging to schedule community and the accused belongs to non-schedule caste community, that the first accused was knowing the deceased very well as both were working in the same place and that the learned trial Judge has rightly dismissed the discharge application.

13. At the outset, it is pertinent to refer Section 3(2)(v) of SC/ST Act prior to amendment Act 2015 and the said provision under the Amendment Act 2015 hereunder for better appreciation ;

“(v) commits any offence under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more against a person or property on the ground that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with imprisonment for life and with fine;

(v) commits any offence under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more against a person or property [knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member], shall be punishable with imprisonment for life and with fine.”



14. Considering Section 3(2)(v) of the SC/ST Act, Pre-Amendment Act 2015 and Post-Amendment Act 2015, the words 'on the ground' were substituted with 'knowing'. In **Masumsha Hasanasha Musalman's** case referred supra, cited by the learned counsel for the appellant, Section 3(2)(v) of SC/ST (PoA) Act 1989 was considered and it was held as follows :

“9. In the present case, there is no evidence at all to the effect that the appellant committed the offence alleged against him on the ground that the deceased is a member of a Scheduled Caste or a Scheduled Tribe. To attract the provisions of Section 3(2)(v) of the Act, the sine qua non is that the victim should be a person who belongs to a Scheduled Caste or a Scheduled Tribe and that the offence under the Indian Penal Code is committed against him on the basis that such a person belongs to a Scheduled Caste or a Scheduled Tribe. In the absence of such ingredients, no offence under Section 3(2)(v) of the Act arises. In that view of the matter, we think, both the trial court and the High Court missed the essence of this aspect. In these circumstances, the conviction under the aforesaid provision by the trial court as well as by the High Court ought to be set aside.”

15. In **Prabhat Kumar Mishra's** case, cited by the learned counsel for the appellant, the Hon'ble Apex Court, by following the judgment of



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Masumsha Hasanasha Musalman's case referred supra, has held that the offence under Section 3(2)(v) of the SC/ ST Act is ex facie illegal and unwarranted because it is nowhere the case of the prosecution in the entire charge-sheet that the offence under IPC was committed by the appellant upon the deceased on the basis of his caste.

16. The Hon'ble Supreme Court in **Shashikant Sharma and others Vs. State of Uttar Pradesh and another** reported in **2023 Livelaw (SC) 1037**, has considered the scope of Section 3(2)(v) of SC/ST (PoA) Amendment Act 2015 and observed that there must be an allegation that the accused not being a member of Scheduled Caste or Scheduled Tribe committed an offence under the IPC punishable for a term of 10 years or more against a member of the Scheduled Caste or Scheduled Tribe knowing that such person belongs to such 'community' and the relevant passage is extracted hereunder :

“ 16. After perusal of the entire material on record, we have no hesitation in concluding that from the admitted case set up by the prosecution, there is no such allegation that the offence under IPC punishable with imprisonment of 10 years or more was committed by an accused of upper caste upon a person belonging



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to the Scheduled Caste community with the knowledge that such person belonged to the said community.

17. Hence, there is merit in the contention of learned counsel representing the appellants that prima facie ingredients of the offence punishable under Section 3(2)(v) of the SC/ST Act are not made out from the admitted allegations of prosecution and to this extent, the charge framed against the accused appellants is groundless.”

17. The Hon'ble Supreme Court in ***Patan Jamal Vali Vs. State of Andhra Pradesh*** reported in ***CDJ 2021 SC 307***, wherein the Hon'ble Apex Court has made a distinction between the two provisions existed before the amendment and now existing under the Amendment Act 2015.

“59. It is pertinent to mention that Section 3(2)(v) was amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, which came into effect on 26 January 2016. The words “on the ground of” under Section 3(2) (v) have been substituted with “knowing that such person is a member of a Scheduled Caste or Scheduled Tribe”. This has decreased the threshold of proving that a crime was committed on the basis of the caste identity to a threshold where mere knowledge is sufficient to sustain a conviction. Section 8 which



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deals with presumptions as to offences was also amended to include clause (c) to provide that if the accused was acquainted with the victim or his family, the court shall presume that the accused was aware of the caste or tribal identity of the victim unless proved otherwise. The amended Section 8 reads as follows:

“8. Presumption as to offences. - In a prosecution for an offence under this Chapter, if it is proved that

(a) the accused rendered [any financial assistance in relation to the offences committed by a person accused of], or reasonably suspected of, committing, an offence under this Chapter, the Special Court shall presume, unless the contrary is proved, that such person had abetted the offence;

(b) a group of persons committed an offence under this Chapter and if it is proved that the offence committed was a sequel to any existing dispute regarding land or any other matter, it shall be presumed that the offence was committed in furtherance of the common intention or in prosecution of the common object.

[(c) the accused was having personal knowledge of the victim or his family, the Court shall presume that the accused was aware of the caste or tribal identity of the victim, unless the contrary is proved.]”

60. The Parliament Standing Committee Report on Atrocities Against Women and Children has observed that, “high acquittal rate motivates and boosts the confidence of dominant and powerful



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communities for continued perpetration” and recommends inclusion of provisions of SC & ST Act while registering cases of PART C gendered violence against women from SC & ST communities. However, as we have noted, one of the ways in which offences against SC & ST women fall through the cracks is due to the evidentiary burden that becomes almost impossible to meet in cases of intersectional oppression. This is especially the case when courts tend to read the requirement of “on the ground” under Section 3(2) (v) as “only on the ground of”. The current regime under the SC & ST Act, post the amendment, has facilitated the conduct of an intersectional analysis under the Act by replacing the causation requirement under Section 3(2)(v) of the Act with a knowledge requirement making the regime sensitive to the kind of evidence that is likely to be generated in cases such as these.

61. However, since Section 3(2) (v) was amended and Clause (c) of Section 8 was inserted by Act 1 of 2016 with effect from 26 January 2016 these amendments would not be applicable to the case at hand. The offence in the present case has taken place before the amendment, on 31 March 2011. Therefore, we hold that the evidence in the present case does not establish that the offence in the present case was committed on the ground that such person is a member of a SC or ST. The conviction under Section 3(2)(v) would consequently have to be set aside.”



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18. In the above decision's case, since the offence was committed on 31.03.2011, the provisions under Section 3(2)(v) under the Act of 1989 was made applicable and as there was no evidence to show that the offence was committed only on the ground that the victim was a member of schedule caste, the conviction of the appellant for the offence under Section 3(2)(v) of SC/ST was set aside.

19. Section 3(2)(v) of the SC/ST (PoA) Act, 1989 underwent a significant amendment through the 2015 Amendment Act, which changed the required mental state (*mens rea*) of the accused from a specific caste-based motive (“on the ground”) to mere knowledge of the victim's caste ('knowing'). Previously, the act had to be committed “on the ground” that such person is a member of SC/ST. The amended provision requires the offence under the Indian Penal Code to be committed against a person or property while “knowing” that such person is a member of an SC/ST. This shifts the focus from requiring a proof of a specific caste-based motive to merely establishing knowledge of the victim’s caste identity.

20. Moreover, a new clause was also added to Section 8, introducing a presumption of awareness of caste, if the accused knew the victim or their



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family and this change expanded the provision's scope. Section 8(c) of the SC/ST (PoA) Act, which is part of the “presumptions as to offences,” states that a Court shall presume the accused was aware of the victim’s caste or tribal identity, if the accused had personal knowledge of the victim or their family, unless the contrary is proved.

21. The Court can presume the accused had knowledge of the victim's caste or tribal status and the presumption is valid, if it is proven that the accused had personal knowledge of the victim or their family and then the burden is on the accused to prove that they were not aware of victim's caste or tribal identity to rebut the presumption. In the present case, it is the specific case of the prosecution that the first accused and the deceased were working in Sai Engineering welding works company and at the working place, the first accused had developed enmity against the deceased. It is pertinent to note that the appellant is a friend of the first accused and according to the prosecution, the first accused along with the appellant and other accused conspired together and committed the murder.

22. Considering the above and taking note of the word 'knowing' available in the present Section 3(2)(V) of SC/ST (PoA) Amendment Act



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2015 along with presumption clause under section 8 (c) of the said Act, it cannot be stated that there are no materials to frame charge under Section 3(2)(v) of the Act. Hence, the impugned order dismissing the discharge petition cannot be faulted. Consequently, this Court concludes that the appeal is devoid of merits and the same is liable to be dismissed.

23. In the result, the Criminal Appeal is dismissed and the order, dated 07.08.2025 in Crl.M.P.No.1525 of 2023, in Spl.S.C.No.21 of 2022 on the file of the III Additional District and Sessions Court for PCR Act Cases, Madurai, stands confirmed. Consequently, connected Miscellaneous Petition is closed.

12.12.2025

NCC : Yes / No
Index : Yes / No
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To

- 1.The III Additional District and Sessions Court
for PCR Act Cases, Madurai.
- 2.The Assistant Commissioner of Police (L & O)
Thirupparangundram Range,
Madurai City.
- 3.The Inspector of Police,
Avaniyapuram Police Station,
Madurai City. Crime No.674 of 2021.
- 4.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Pre-delivery order made in
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12.12.2025