



Crl.M.P.(MD)No.12734 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.M.P(MD)No.12734 of 2025

in

Crl.A(MD)No.977 of 2025

1.Thiruvenkadam @ Kannan

2.Gopal

3.Paramasivam

... Petitioners

Vs.

1.State of Tamil Nadu rep. by
the Deputy Superintendent of Police,
Alankulam Sub Division,
Tirunelveli District.
(Alankulam Police Station)
Crime No.94 of 2017.

2.Anand

... Respondents

PRAYER : Criminal Miscellaneous Petition filed under Section 430 of BNSS/Section 389(1) of Cr.P.C., to suspend the sentence of imprisonment imposed by the learned Principal District Judge, Tenkasi District, in S.C.No.285 of 2025, dated 11.09.2025 pending disposal of the appeal.



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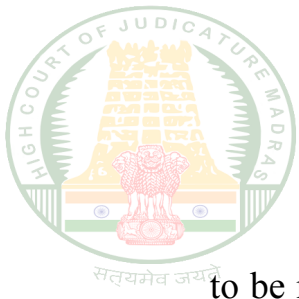
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For Petitioners : Mr.K.Prabhu,
For Respondents : Mr.K.Gnanasekaran,
Government Advocate (Criminal Side)
for R1.
: Party-in-person, for R2.

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the learned Principal District Judge, Tenkasi District, in S.C.No.285 of 2025, dated 11.09.2025, till the disposal of the appeal.

2. The case of the prosecution is that the defacto complainant belongs to scheduled caste community, the accused 1, 3 to 5 belong to Hindu Yadhava community and the second accused belongs to Hindu Maravar Community. On 13.04.2017, at about 21:00 hours, during the Annual Day celebration held at Kidarankulam Namakshivaya Mudhaliyar Middle School, there was a dispute between the accused persons and the second respondent, due to which, the accused persons abused the defacto complainant in filthy language, physically assaulted him by pushing him down and caused injuries. On the basis of the complaint of the defacto complainant, FIR came



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to be registered in Crime No.94 of 2017 for the offences under Sections 147 r/w 3(2)(va) of SC/ST Act, 323 r/w 3(2)(va) SC/ST Act and 506(1) r/w 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 S.C.No.285 of 2025 and the same was pending before the learned Principal District Judge, Tenkasi District.

4. During trial, the prosecution examined 7 witnesses as P.W.1 to P.W.7 and exhibited 8 documents as Ex.P.1 to Ex.P.8. Whereas, the accused has adduced neither oral nor documentary evidence.

5. The learned trial Judge, upon considering the evidence, both oral and documentary and on hearing the arguments on both the sides, has passed the impugned judgment, dated 11.09.2025 convicting the petitioners/accused for the offence under Section 147 of IPC directed them to pay a fine of Rs.100/-, in default, to undergo two weeks simple imprisonment and for the offence under Section 323 r/w 3(2)(va) of SC/ST Act, directed them to pay a



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fine of Rs.250/-, in default, to undergo two weeks simple imprisonment and for the offence under Section 3(1)(r) of SC/ST act and sentenced them to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo one year rigorous imprisonment. The Trial Court has suspended the sentence imposed on, petitioners till 10.10.2025. 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 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 had already paid the fine amount.



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8. In response to the notice, the second respondent/defacto complainant appeared in person and raised objections, stating that he fears being threatened by the accused, whenever he visits his native place. Therefore, he opposed the suspension of 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 petitioner herein is entitled to the relief of suspension of sentence.



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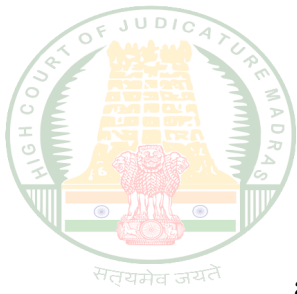
11. Accordingly, the relief of suspension of sentence and bail is granted to the petitioners on the following conditions:-

(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 Principal District Court, Tenkasi District ;

(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 are directed to file an affidavit before the concerned Court that they will not disturb the second respondent in any way;

(iv) 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 he is not able to



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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.

25.09.2025

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

To

- 1.The Principal District Judge, Tenkasi District.
- 2.The Deputy Superintendent of Police,
Alankulam Sub Division,
Tirunelveli District.
(Alankulam Police Station)
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

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Dated: 25.09.2025