



WEB COPY



*Crl.M.P.(MD) No.1381- of 2025
in Crl.A.(MD)No.1062 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13-11-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No.13813 of 2025
in CRL A(MD) No.1062 of 2025

Ganesan

Petitioner/Appellant

Vs

1.State of Tamil Nadu, represented by
The Deputy Superintendent of Police,
Srivilliputtur Sub Division,
Vanniyampatti Vilakku Police Station,
Virudhunagar District.
(Crime No.34 of 2023)

2.Alwar

Respondents/Respondents

Prayer in CRL MP(MD).13813 of 2025 : This Criminal Miscellaneous Petition filed under Section 430(1) B.N.S.S. praying to grant an order of suspension of sentence imposed in the conviction judgment passed in Special S.C.No.23 of 2023 dated 26.08.2025 on the file of Court of the Sessions Judge, Special Court for Trial of SC / ST (POA) Act cases, Virudhunagar District at Srivilliputtur, pending disposal of the criminal appeal.

Prayer in CRL A(MD).1062 of 2025 : This Criminal Appeal filed under Section 415(2) B.N.S.S. praying to call for the records relating to the Special S.C.No.23 of 2023 on the file of Court of the Sessions Judge, Special Court for Trial of SC / ST



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(POA) Act cases, Virudhunagar District at Srivilliputtur and set aside the same and to acquit the appellant / sole accused by allowing the present criminal appeal.

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For Petitioner: Mr.M.Jothi Basu

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

: Mr.S.Mayaperumal, for R2.

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 SC/ST (POA) Act cases, Virudhunagar District at Srivilliputtur, in Spl.S.C.No.23 of 2023 dated 26.08.2025, till the disposal of the appeal.

2. When the matter was taken up for hearing on 09.10.2025, this Court, considering the submissions made by the learned counsel appearing for the petitioner that the trial Court has already suspended the sentence imposed on the petitioner for a period of 30 days, suspended the sentence till 28.10.2025 and thereafter, extended till 13.11.2025.



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3. The learned counsel appearing for the second respondent would submit that the trial Court has rightly convicted the petitioner and that the second respondent is having serious objections to grant suspension of sentence.

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

5. 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.

6. 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 bond executed by the petitioner and sureties for interim suspension of sentence shall stand extended for suspension of sentence



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and the petitioner shall file affidavits from the sureties, confirming their willingness to continue as sureties; and

(ii) the petitioner shall appear before the trial Court on the first working day of every week 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 355 B.N.S.S. 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.

13-11-2025

das

To

- 1.The Sessions Judge,
Special Court for Trial of SC/ST (POA) Act cases,
Virudhunagar District at Srivilliputtur.
- 2.The Deputy Superintendent of Police,
Srivilliputtur Sub Division,
Vanniyampatti Vilakku Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.