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Crl.M.P.(MD)No.15
in Crl.A.(MD)No.1141 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25-10-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No.15354 of 2025

in

CRL A(MD) No.1141 of 2025

Thomas Ravi

**Petitioner/
Appellant**

Vs

The State of Tamil Nadu represented by
The Deputy Superintendent of Police,
Anjugram Police Station,
Kanniyakumari District.
(Crime No.174 of 2005)

**Respondent/
Respondent**

Prayer in CRL MP(MD).15354 of 2025 : This Criminal Miscellaneous Petition filed under Section 430 B.N.S.S. praying to suspend the sentence made in S.C.No.41 of 2025 dated 29.09.2025, on the file of the Special Court for trial of cases under SC/ST (POA) Act, Kanniyakumari District at Nagercoil and enlarge the petitioner on bail, pending disposal of the above criminal appeal.

Prayer in CRL A(MD).1141 of 2025 : This Criminal Appeal filed under Section 415(2) B.N.S.S. praying to call for the records pertaining to the conviction judgment passed in S.C.No.41 of 2025 dated 29.09.2025, on the file of the Special Court for trial of cases



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under SC/ST (POA) Act, Kanniyakumari District at Nagercoil and set aside the same as illegal.

For Petitioner: Mr.S.Ayyanar Prem Kumar, Advocate

For Respondent: Mr.K.Gnanasekaran,
Government Advocate (Criminal Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed on the petitioner / first accused by the learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Kanniyakumari District at Nagercoil, in S.C.No.41 of 2025 dated 29.09.2025, till the disposal of the appeal.

2. The case of the prosecution is that there existed money transaction between the petitioner / first accused and the defacto complainant and that on 30.03.2005 at about 07.00 p.m., the petitioner along with other accused went to the house of the defacto complainant and abused him by using his caste name and also harassed the wife of the defacto complainant and hence, FIR came to be registered in Crime No.174 of 2005.

3. The respondent police, after completing the investigation, has filed a final report for the offences under Sections 353, 294(b), 506(1) r/w 109 IPC, Sections 3 and 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act and Section 3(l)(x) r/w 8



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of SC/ST (POA) Act against three accused including the petitioner herein and the case was taken on file in P.R.C.No.11 of 2005 on the file of the Judicial Magistrate No.3, Nagercoil. Subsequently, the case was committed to the II Additional Sessions Court (PCR), Tirunelveli and the same was taken on file in S.C.No.85 of 2006 and thereafter, the case was transferred and the same was taken on file in S.C.No.41 of 2025 on the file of the Special Court for trial of cases under SC/ST (POA) Act, Kanniyakumari District at Nagercoil.

4. During trial, the prosecution examined 14 witnesses as P.W.1 to P.W.14 and exhibited 12 documents as Ex.P.1 to Ex.P.12. The defence exhibited 2 documents as Ex.D.1 and Ex.D.2 and adduced no oral 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 29.09.2025 convicting the petitioner for the offence under Section 506(2) IPC and sentenced him to undergo rigorous imprisonment for two years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for a further period of four months. The trial Court has already suspended the sentence imposed on the petitioner till 29.10.2025. Aggrieved by the impugned judgment of conviction and



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sentence, the first 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 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 put forth by either side and also perused the materials available on record.

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



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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, Kanniyakumari District at Nagercoil;

(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 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 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.

25-10-2025

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*Crl.M.P.(MD)No.15-----
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To
WEB COPY

- 1.The Sessions Judge,
Special Court for trial of cases under SC/ST (POA) Act,
Kanniyakumari District at Nagercoil.
- 2.The Deputy Superintendent of Police,
Anjugram Police Station,
Kanniyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.