



WEB COPY



Crl.M.P.(MD)No.15
in Crl.A.(MD)No.1165 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06-11-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No.15881 of 2025

in

CRL A(MD) No.1165 of 2025

1.Jayaprakash

2.Ajithkumar

3.Kamalesh

**Appellants/
Accused No.1 to 3**

Vs

1.State of Tamil Nadu represented by
The Deputy Superintendent of Police,
Rajapalayam Sub Division,
Virudhunagar District.

2.The Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.
(Crime No.03 of 2021)

3.Shanmugavel

4.Duraipandi

**Respondents/
Respondents**



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Prayer in CRL MP(MD).15881 of 2025 : This Criminal Miscellaneous Petition filed under Section 430 B.N.S.S. praying to suspend the sentence of imprisonment and sentence imposed in Spl.S.C.No.09 of 2021 on the file of the Sessions Judge, Special Court for Trial of SC/ST (POA) Act cases, Srivilliputhur, Virudhunagar District dated 09.10.2025 pending disposal of the above said criminal appeal.

Prayer in CRL A(MD).1165 of 2025 : This Criminal Appeal filed under Section 14-A(2) of SC/ST Act praying to call for records in the judgment of the learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act cases, Srivilliputhur, Virudhunagar District made in Spl.S.C.No.09 of 2021 dated 09.10.2025 and set aside the same.

For Petitioners: Mr.V.Maharajan, Advocate

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

R3 & R4 - party-in-person

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed on the petitioners / accused Nos.1 to 3 by the learned Sessions Judge, Special Court for trial of SC/ST (POA) Act cases, Virudhunagar District at Srivilliputtur, in Spl.S.C.No.9 of 2021 dated 09.10.2025, till the disposal of the appeal.

2. The case of the prosecution is that there existed some enmity between the third respondent / defacto complainant and the petitioners 1 and 3 village people, due to which, on 13.01.2021, when the fourth respondent, who is the son of the third respondent, was returning home from work, the petitioners waylaid him, abused him in



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filthy language in using caste name and stabbed him by using knife and when the same was questioned by two persons, the petitioners shouted at them and threatened them with dire consequences and hence, FIR came to be registered in Crime No.3 of 2021 against the petitioners for the offences under Sections 341, 294(b), 307, 506(2) IPC r/w Sections 3(1)(s) and 3(2)(va) of SC/ST (POA) Act.

3. The respondent police, after completing the investigation, has filed a final report and the case was taken on file in Spl.S.C.No.9 of 2021 on the file of the Special Court for trial of SC/ST (POA) Act cases, Virudhunagar District at Srivilliputtur.

4. During trial, the prosecution examined 18 witnesses as P.W.1 to P.W.18, exhibited 19 documents as Ex.P.1 to Ex.P.19 and marked 4 material objects as M.O.1 to M.O.4. The defence adduced neither oral nor documentary 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 09.10.2025 convicting the petitioners for the offences under Section 341 IPC and Section 324 IPC r/w 3(2)(va) of the SC/ST (POA) Act and sentenced them to undergo simple imprisonment for one month and to pay a fine of Rs.500/- each, in



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default, to undergo simple imprisonment for one week for the offence under Section 341 IPC and to undergo rigorous imprisonment for two years and to pay a fine of Rs.1,000/- each, in default to undergo simple imprisonment for one month for the offence under Section 324 IPC r/w 3(2)(va) of the SC/ST (POA) Act. The above sentences were ordered to be run concurrently. The trial Court has already suspended the sentence imposed on the petitioners till 14.11.2025. Aggrieved by the impugned judgment of conviction and sentence, the accused have preferred the present Criminal Appeal along with the above miscellaneous petition for suspension of sentence.

6. 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 further submit that the petitioners have already paid the fine amount.

7. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that there are enough materials available on record against the petitioners and hence, he strongly opposed to grant suspension of sentence.

8. The respondents 3 and 4 appeared in person before this Court and would



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submit that they are having serious objections to suspend the sentence imposed on the petitioners.

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

10. The learned counsel appearing for the petitioners 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 petitioners herein is entitled to the relief of grant of suspension of sentence.

11. In the result, the Criminal Miscellaneous Petition is **ordered**. Accordingly, the relief of suspension of sentence is granted to the petitioners on the following conditions:-

(i) The petitioners shall 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 Special Court for Trial of SC/ST (POA) Act cases, Srivilliputhur, Virudhunagar District;



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(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 petitioners shall appear before the trial Court on the first and third Monday 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 355 B.N.S.S. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.

06-11-2025

CSM

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,
Rajapalayam Sub Division,
Virudhunagar District.
- 3.The Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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