



WEB COPY



*Crl.M.P.(MD) No.1829 of 2025
in Crl.A.(MD)No.1271 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28-11-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No.18298 of 2025
in CRL A(MD) No.1271 of 2025

1.L.Kumar @ Muthukumar

2.Mahesh Babu

3.U.Lingaraj

4.M.Uthayakumar

5.M.Arumugavel

6.P.Murugan

7.M.Mahenthiran

8.G.Sudalai @ Mookandi

: Petitioners/Appellants

Vs

1.State of Tamil Nadu, represented by
The Deputy Superintendent of Police,
Puliangudi Police Station,
Tenkasi District.
(Crime No.257 of 2016)

K.Senthilkumar (died)

2.Lakshmi

: Respondents/Respondents



*Crl.M.P.(MD) No.1829-
in Crl.A.(MD)No.1271 of 2025*

Prayer in CRL MP(MD).18298 of 2025 : This Criminal Miscellaneous Petition filed under Section 430 B.N.S.S., praying to grant an order of suspension of sentence imposed in the conviction judgment passed in S.C.No.196 of 2025 dated 31.10.2025 on the file of Court of the Principal District and Sessions Court, Tenkasi, enlarge the petitioners on bail pending disposal of the criminal appeal.

Prayer in CRL A(MD).1062 of 2025 : This Criminal Appeal filed under Section 14(A) of SC/ST Act 1989, to call for the records and set aside the conviction and sentence passed in S.C.No.196 of 2025 dated 31.10.2025 on the file of Court of the Principal District and Sessions Court, Tenkasi, and acquit the appellants.

For Petitioners: Mr.N.Mani Maran

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

: No Appearance, for R2.

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed on the petitioners by the Principal District and Sessions Court, Tenkasi, in S.C.No.196 of 2025, dated 30.10.2025, till the disposal of the appeal.

2. The case of the prosecution is that there was previous enmity between the first petitioner and the defacto complainant, due to which, the first petitioner along with other accused persons assembled in front of the defacto complainant's house



*Crl.M.P.(MD) No.1829-
in Crl.A.(MD)No.1271 of 2025*

and abused him and his father and brother in filthy language by using caste name and also attacked them with hands and stones and also caused injuries and hence, FIR came to be registered in Crime No.257 of 2016 of the offence under Sections 147, 148, 294(b) and 324 of IPC r/w Sections 3(1)(r), 3(1)(s), 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.196 of 2025 and the same was pending before the Principal District and Sessions Court, Tenkasi.

4. During trial, the prosecution has examined 17 witnesses as P.W.1 to P.W.17 and exhibited 8 documents as Ex.P.1 to Ex.P.8. Whereas, the accused have 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 31.10.2025 convicting the petitioners/accused for the offence under Section 148 of IPC and imposed a fine of Rs.200/-, each, in default, to undergo one week simple imprisonment; for the offence under Sections 3(1)(r) of



*Crl.M.P.(MD) No.1829-
in Crl.A.(MD)No.1271 of 2025*

SC/ST (PoA) Act and sentenced them to undergo six months simple imprisonment and to pay a fine of Rs.500/- each, in default to undergo one month simple imprisonment and for the offence under Sections 3(1)(s) of SC/ST Act and sentenced them to undergo six months simple imprisonment and to pay a fine of Rs.500/- each, in default to undergo one month simple imprisonment and acquitted them for the offences under Sections 324 r/w 3(2)(va) and Section 148 r/w 3(2)(va) SC/ST Act. The trial Court suspended the sentence imposed on the petitioners till 01.12.2025. Challenging the above said conviction and sentence, the petitioners have 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 have already paid the fine amount.



*Crl.M.P.(MD) No.1829-
in Crl.A.(MD)No.1271 of 2025*

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

9. The learned counsel appearing for the petitioners would point 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 petitioners herein are entitled to the relief of suspension of sentence.

10. 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 and Sessions Court, Tenkasi ;

(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 ;



WEB COPY



*Crl.M.P.(MD) No.1829-
in Crl.A.(MD)No.1271 of 2025*

(iii) 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 they are not able to 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 their absence, as directed by the trial Court.

28-11-2025

das

To

- 1.The Principal District and Sessions Court,
Tenkasi.
- 2.The Deputy Superintendent of Police,
Puliangudi Police Station,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.