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Crl.MP.No.2440 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2026

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.MP.No.2440 of 2026

in

Crl.A.No.172 of 2026

Manivannan

...Petitioner

Vs.

State rep. by,

1. The Deputy Superintendent of Police,
Gingee Sub Division,
Villupuram.
Crime No.2810 of 2020.

2. The Inspector of Police,
Gingee Police Station,
Villupuram District.

3. Sellammal

...Respondents

Criminal miscellaneous petition filed under Section 430(1) of BNSS, seeking to suspend the execution of sentence judgment dated 31.10.2025 made in Spl.S.C.No.32 of 2021, on the file of the Special Court for exclusive trial of cases registered under the Scheduled castes and the Scheduled Tribes(Prevention of Atrocities)Act, 1989, Villupuram.

For Petitioner : Mr.G.Krishnamurthy

For Respondents : Ms.J.R.Archana, GA(Crl. Side), for R1 & R2
: Ms.A.Nethra, Legal Aid Counsel, for R3



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ORDER

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This criminal miscellaneous petition has been filed by the petitioner seeking suspension of sentence imposed by the learned Sessions Judge, Special Court for exclusive trial of cases registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram, in Spl.S.C.No.32 of 2021, vide judgment dated 31.10.2025.

2. The conviction and sentence imposed against the petitioner/appellant, vide impugned judgment are as follows:-

<i>Under Section</i>	<i>Sentence</i>
417 of IPC	To undergo one year simple imprisonment.
376(2)(n) of IPC	To undergo ten years rigorous imprisonment and a fine of Rs.10,000/-, in default, to undergo two years rigorous imprisonment.
450 of IPC	To undergo ten years rigorous imprisonment and a fine of Rs.10,000/-, in default, to undergo two years rigorous imprisonment.
3(1)(w)(i) of SC/ST (PoA) Act	To undergo five years rigorous imprisonment and a fine of Rs.5,000/-, in default, to undergo one year rigorous imprisonment.



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3. Learned counsel for the petitioner/appellant submitted that a consensual relationship has been falsely portrayed as a case of rape following a refusal to marry on account of the caste difference and the same is evident even from the deposition of the victim girl herself. He further submitted that even taking into consideration the entire evidence on record, the ingredients of the alleged offences cannot be attracted against the petitioner. However, the trial court, without considering any of the above said facts, convicted the petitioner for the abovesaid offences, which is wholly unsustainable. He also submitted that the petitioner has been in judicial custody from 31.10.2025 and that there are arguable points in the criminal appeal, which is unlikely to be taken up for final hearing in the near future and the petitioner/appellant has a fair chance of succeeding in the appeal and hence, the sentence imposed on the petitioner/appellant may be suspended and the petitioner/appellant may be enlarged on bail.

4. Per contra, the learned Government Advocate (Crl. Side) appearing for the 1st and 2nd respondents submitted that the appellant/accused, being fully aware that the 3rd respondent/de facto complainant belonged to a Scheduled Caste and that marriage between them could not be solemnized, nevertheless induced her and under the false pretext of



marriage, he engaged in sexual intercourse with her and subsequently reneged. She further submitted that considering the fact that the charges against the appellant are heinous in nature, the trial court had rightly imposed the abovesaid sentence and conviction against the petitioner, vide impugned order, which cannot be said to be erroneous. Hence, she strongly opposed for granting suspension of sentence.

5. Learned counsel appearing for the 3rd respondent/de facto complainant reiterated the submissions made by the learned Government Advocate (Crl. Side) appearing for the 1st and 2nd respondents.

6. Heard the learned counsel on either side and perused the materials on record.

7. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner/appellant, this Court is inclined to grant the relief of suspension of sentence to the petitioner, till the disposal of the criminal appeal, on certain conditions.



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8. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner/appellant is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for exclusive trial of cases registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram and on further conditions that:-

(i) The petitioner/appellant and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Passbooks to ensure their identities.

(ii) The petitioner/appellant shall appear before the trial Court on the first working day of every English calendar month at 10.30 a.m., until further orders.

9. This criminal miscellaneous petition stands ordered accordingly.

10. Registry is directed to post the main appeal in the usual course.

13.03.2026

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To:

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1. The Sessions Judge,
Special Court for exclusive trial of cases registered under SC & ST
(Prevention of Atrocities) Act, 1989, Villupuram.
2. The Superintendent,
Central Prison,
Cuddalore.
3. The Deputy Superintendent of Police,
Gingee Sub Division,
Villupuram.
4. The Inspector of Police,
Gingee Police Station,
Villupuram District.
5. The Public Prosecutor,
Madras High Court.



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A.D.JAGADISH CHANDIRA, J.

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