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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2026

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THE HONOURABLE MR JUSTICE C. KUMARAPPAN

Crl.M.P.Nos.4602 & 4603 of 2026

in

Crl.R.C.No.604 of 2026

1.Nandhakumar

2.Kandhasamy

...Petitioners/Accused

-VS-

State through
Inspector of Police,
Uthukuli Police Station,
Tiruppur.
(Crime No.315 of 2016)

...Respondent

PRAYER in Crl.M.P.No.4602 of 2026: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS Act, 2023, praying to suspend the sentence of imprisonment imposed in the judgment dated 09.02.2026 made in C.A.No.113 of 2024 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Tiruppur, confirming the conviction imposed in judgment dated 31.01.2024 made in C.C.No.122 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Uthukuli and enlarge the petitioner on bail pending disposal of the above revision petition.

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PRAYER in CrI.M.P.No.4603 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to grant an order of exemption from surrendering before the trial Court in pursuance to the judgment dated 09.02.2026 made in C.A.No.113 of 2024 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Tiruppur, confirming the conviction imposed in judgment dated 31.01.2024 made in C.C.No.122 of 2019 on the file of the District Munsif cum Judicial Magistrate, Uthukuli, pending disposal of the above revision petition.

For Petitioners : Mr.M.Guruprasad
For Respondent : Mr.R.Kishore Kumar,
Government Advocate (Crl.Side)

COMMON ORDER

The petitioners have preferred the above revision, challenging the judgment passed by the Special Court for Trial of Cases under SC/ST (POA) Act, Tiruppur in C.A.No.113 of 2024 dated 09.02.2026, confirming the judgment of the District Munsif cum Judicial Magistrate, Uthukuli, convicting the petitioners for the following offences:



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Rank of the accused	Conviction under Sections	Sentence awarded
A1	326 IPC	To undergo simple imprisonment for three years and fine of Rs.10,000/-, in default, to undergo further sentence of two months simple imprisonment.
	506(2) IPC	To undergo one month simple imprisonment and fine of Rs.1,000/-, in default, to undergo two months simple imprisonment. The period already undergone by the 1 st accused during investigation and trial i.e., from 25.06.2016 to 25.07.2016 are ordered to be set off under Section 428 of IPC.
A2	323 IPC	To pay fine of Rs.1,000/-, in default, to undergo one month simple imprisonment.
	506(2)	To pay fine of Rs.1,000/-, in default, to undergo one month simple imprisonment.

2. Aggrieved by the same, the petitioners filed CrI.R.C.No.604 of 2026 before this Court, and the instant petitions have been filed to suspend the sentence imposed on the petitioners and to exempt the petitioners from



surrendering before the Trial Court, pending disposal of the above Criminal Revision Case.

3. The case of the prosecution is that on 22.06.2016 at 1.00 p.m., the accused were found cutting trees on the land co-owned by P.W.1, Palanisamy and the accused. When Palanisamy confronted them, they verbally abused him. Additionally, the 2nd accused, Kandhasamy pushed Palanisamy to the ground and struck his cheek with his hand, while the 1st accused Nandhakumar assaulted Palanisamy with sickle on his right shoulder, causing serious injuries. The accused also threatened to kill Palanisamy before leaving the scene of occurrence. P.W.2 Ragavi, P.W.3 Chinnasamy and P.W.4 Sambath came to spot on hearing the sound and took Palanisamy to Uthukili Hospital at around 01.40 p.m. Hence, a case was registered against the petitioners under Sections 294(b), 323, 326 and 506(2) of IPC. After trial, the petitioners were found guilty under the offence punishable under Sections 323, 326 and 506(2) of IPC.

4. The learned counsel for petitioners would submit that though there is no finding in respect of Section 326 and no weapon is identified and no weapon has been marked.



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5. This Court perused the judgment and find that no material objects have been marked.

6. The learned Government Advocate, strongly oppose the grant of exemption and suspension of sentence, would however fairly concede that the accused is still outside.

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

8. Considering the grounds raised by the petitioners, this Court is of the view that the same needs some deliberation and hence, this Court is inclined to grant the relief of suspension of sentence to the petitioners.

9. Accordingly, these criminal miscellaneous petitions stand allowed. The sentence imposed on the petitioners is suspended and the petitioners are exempted from surrendering before the Trial Court, till the disposal of the above criminal revision, subject to the following conditions:

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(i) The petitioners shall execute separate bond for a sum of Rs.10,000/- each with two sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Uthukuli;

(ii) The petitioners and 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 and mobile numbers to ensure their identity; and

(iii) The petitioners shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal 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 317 Cr.P.C. 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.

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To
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1. The District Munsif cum Judicial Magistrate, Uthukuli.
2. The Special Court for Trial of Cases under SC/ST (POA) Act, Tiruppur.



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C. KUMARAPPAN, J.

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