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Crl.M.P.No.5047 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2026

CORAM:

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

Crl.M.P.No.5047 of 2026
in Crl.A.No.301 of 2026

Vijayakrishnan

... Petitioner

Vs.

1. The State represented by,
The Assistant Superintendent of Police.
Villupuram Sub-Division,
Villupuram District.
2. The Inspector of Police,
Thiruvannainallur Police Station,
Villupuram District.

(Crime No.827 of 2024)

3. Abirami

... Respondents

PRAYER: Criminal Miscellaneous Petition is filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita/Section 389(1) of Cr.P.C., to suspend the sentence imposed in Spl.S.C.No.6 of 2025 dated 27.02.2026 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, and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.M.Rajkumar

For R1 & R2 : Ms.J.R.Archana
Government Advocate (Criminal Side)



ORDER

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This Criminal Miscellaneous Petition has been filed seeking suspension of sentence of imprisonment, imposed by the learned 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.6 of 2025, vide judgment dated 27.02.2026.

2. The brief facts of the case are as follows:-

2.1. The petitioner/appellant is alleged to have committed offences punishable under Sections 318(2), 64 and 351(3) of the BNS, Section 4 of the TN Prohibition of Harassment of Women Act, 2002 (TNPHW Act) and Sections 3(1)(w)(i) and 3(2)(v) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, [SC/ST (PoA) Act] on the victim/*de facto* complainant. Hence, a case in Crime No.827 of 2024 came to be registered on 05.10.2024.

2.2. During the course of investigation, the case was altered to one under Sections 351(3) & 55 of the BNS, Section 4 of the TNPHW Act, 2002, Sections 3(1)(w)(i), 3(2)(v) and 3(2)(va) of the SC/ST (PoA) Act and Sections 417, 376 & 108 of IPC.



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2.3. After completion of investigation, the investigating officer filed a charge sheet before the learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, Villupuram and the same was taken on file as Spl.S.C.No.6 of 2025.

2.4. On issuance of summons, the accused appeared before the Court and in compliance of Section 207 of Cr.P.C., copies of relied upon documents were furnished to him.

2.5. After hearing the counsel on both sides, charges were framed against the accused. During initial questioning in respect of the incriminating materials, the accused denied the charges and sought trial.

2.6. On the side of the prosecution, PW1 to PW20 were examined and Ex.P1 to Ex.P20 and M.O.1 (Cruzer Blade 8GB pen drive) were marked. On the side of the defence, though no witnesses were examined, Ex.D1 to Ex.D8 were marked.

2.7. The trial Court, after hearing the arguments on both sides and upon consideration of the entire materials on record, found the petitioner/appellant guilty of the offences charged and convicted and sentenced him vide judgment dated 27.02.2026 as follows:-



<i>Under Section</i>	<i>Sentence</i>
417 IPC	One year simple imprisonment
376 IPC	Ten years rigorous imprisonment and fine of Rs.10,000/-, in default, to undergo two years rigorous imprisonment.
351(3) BNS	Three year rigorous imprisonment
3(1)(w)(i) of the SC/ST (PoA) Act	Five years rigorous imprisonment and fine of Rs.5,000/-, in default, to undergo one year rigorous imprisonment.
The aforesaid sentences were ordered to run concurrently.	

3. The submissions of the learned counsel appearing for the petitioner/appellant are as follows:-

3.1. The petitioner/appellant is innocent and there was a consensual relationship between the petitioner/appellant and the victim/*de facto* complainant (PW1). Further, it is not the case where the petitioner/appellant had cheated the victim/*de facto* complainant (PW1) to get his lust satiated and therefore, the offences under Sections 376 & 417 of IPC cannot be made out on the facts of the present case. Hence, a case of consensual relationship between the parties, which has later turned sour, has been falsely projected as a case of rape and cheating.

3.2. In the evidence of the victim/*de facto* complainant (PW1), she admitted that she was the one who refused to continue the relationship with the petitioner/appellant. She further admitted to having



relationship with one Yogeshwaran. When the petitioner/appellant questioned about her affair with the said Yoeshwaran, the victim/*de facto* complainant (PW1) threatened him stating that she would file a complaint against him.

3.3. Furthermore, the victim/*de facto* complainant (PW1) admitted that the petitioner/appellant had requested her mother's permission for marriage and informed her that the victim (PW1) was having an affair with another person.

3.4. In such circumstances, the case of the prosecution is false and the trial Court has erred in convicting the petitioner/appellant.

3.5. There are arguable points available in the Criminal Appeal, which is unlikely to be taken up for final hearing in the near future and the petitioner/appellant have a fair chance of succeeding in the appeal.

3.6. The petitioner was granted bail during trial and he has not misused the liberty granted to him. The petitioner/appellant has been suffering incarceration in the Central Prison, Cuddalore, from the date of arrest i.e., on 27.02.2026. Hence, the sentence imposed on the petitioner/appellant may be suspended and he may be enlarged on bail.

4. In support of his contention that the offences under Section 376 & 417 of IPC cannot be made out in a case of prolonged consensual



relationship subsequently turning sour, the learned counsel appearing for the petitioner/appellant relied on the oft-quoted judgment of the Hon'ble Apex Court in *Mahes Damu Khare vs. The State of Maharastra & Another* reported in (2024) 11 SCC 398.

5. The learned Government Advocate (Criminal Side) appearing for respondents 1 and 2 produced the counter filed by the first respondent before this Court today and submitted as follows:

5.1. The petitioner/appellant, who belongs to a backward community, became acquainted with the victim/*de facto* complainant (PW1), who belongs to a scheduled caste community, in a brick kiln. Under the false promise of marriage, the petitioner/appellant allegedly had sexual intercourse with the victim/*de facto* complainant (PW1) and subsequently refused to marry her.

5.2. When the victim/*de facto* complainant (PW1) questioned the petitioner/appellant regarding his change in behaviour, he harassed her by using her caste name. Consequently, due to the humiliation caused by the petitioner/appellant, the victim/*de facto* complainant (PW1) also attempted to commit suicide.



5.3. The trial Court, after taking into consideration the oral and documentary evidence adduced by the prosecution, rightly found the petitioner/appellant guilty and convicted and sentenced him, as stated above. Hence, the petition seeking suspension of sentence may be dismissed.

6. Though notice has been served on the third respondent and her name is printed in the cause list, there is no representation on her behalf.

7. Heard the learned counsel for the petitioner/appellant and the learned Government Advocate (Criminal Side) appearing for respondents 1 and 2 and perused the materials on record.

8. Considering the facts and circumstances of the case and also the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by the petitioner/appellant, this Court is of the view that the sentence of imprisonment can be suspended and the petitioner/appellant can be granted bail on certain conditions. Accordingly, pending disposal of the appeal, the substantive sentence of imprisonment alone is suspended and the petitioner/appellant is enlarged on bail, subject to the following conditions:-



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Crl.M.P.No.5047 of 2026

“(i) The petitioner/appellant shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen 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;

(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;

(iii) It is made clear that the petitioner/appellant shall not communicate with either the victim or her family members.”

9. Accordingly, the Criminal Miscellaneous Petition stands ordered.

20.04.2026

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- To
1. The Sessions Judge,
Special Court for Exclusive Trial of Cases registered
under the SC/ST (PoA) Act, 1989,
Villupuram.
 2. The Assistant Superintendent of Police.
Villupuram Sub-Division,
Villupuram District.
 3. The Inspector of Police,
Thiruvannainallur Police Station,
Villupuram District.
 4. The Superintendent,
Central Prison,
Cuddalore.
 5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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