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CRL MP No.22893 of 2
in Crl.A.No.13 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

**Crl MP No. 22893 of 2025
in Crl.A.No.13 of 2025**

Sakthivel
S/o.Poongavanam,
No.27, Gengaiyamman Kovil Street,
Nelvoy Village, Maduranthagam Taluk,
Chengalpattu District.

....Petitioner(s)

Vs.

1. The State Represented by
The Deputy Superintendent of Police,
Gingee Sub Division,
Villupuram District.

...Respondent(s)

PRAYER: Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023, to suspend the execution of the sentence dated 28.08.2024 passed in Special S.C.No.52 of 2023 against the Petitioner/Appellant by the file of the learned Sessions Judge, Special Court for Exclusive trial of cases registered under the Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner(s): Mr.R.Prasadh

For Respondent(s): Mr.S.Balaji
Government Advocate (Crl. Side)

ORDER



This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed in Special SC.No.52 of 2023 against the petitioner/Appellant dated 28.08.2024, on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases Registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram.

2. The petitioner is an accused in Special SC.No.52 of 2023 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases Registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram. The petitioner was found guilty and he has been convicted and sentenced as under:-

<i>S.No</i>	<i>Conviction</i>	<i>Sentence</i>
1.	Section 354(A) of IPC	to undergo 3 years rigorous imprisonment
2.	Section 354(D) of IPC	to undergo 3 years rigorous imprisonment and fine amount of Rs.10,000/-, failing which accused shall undergo rigorous imprisonment for further period of six months.
3.	Section 306 IPC	to undergo 10 years rigorous imprisonment and fine amount of Rs.10,000/-, failing which accused shall undergo rigorous imprisonment for further period of three years.
4.	Section 4(B)(2) of Tamil Nadu Prohibition of Harassment of Women	to undergo 10 years rigorous imprisonment and fine amount of Rs.50,000/-, failing which accused



<i>S.No</i>	<i>Conviction</i>	<i>Sentence</i>
	Act	shall undergo rigorous imprisonment for further period of three years.

3. The case of the prosecution is that the victim and the petitioner were living in the same locality; that the victim's husband died 27 days prior to the occurrence; that the petitioner had harassed the victim and forced her to have an illicit relationship with him; that the victim refused, for which the petitioner is said to have told the victim "to go and die"; and that thereafter, the victim committed suicide.

4. The learned counsel for the petitioner would submit that even if the prosecution case is accepted to be true the offences would not be made out; that the allegations only reveal that the petitioner had caused harassment to the victim; that the petitioner had not abetted suicide and that the petitioner is in custody from 28.08.2024 and since the appeal is not likely to be taken up in the near future, the sentence may be suspended.

5. The learned Government Advocate (Crl. Side) for the respondent, *per contra*, would submit that the first application was dismissed on 25.06.2025 and that no ground has been made out for suspension of sentence.



6. It is now more than seven months since the earlier petition for suspension of sentence was dismissed by this Court. The petitioner has been in custody since 28.08.2024. The submission of the learned counsel for the petitioner that mere words or harassment would not amount to abetment of suicide and that there are several inconsistencies requires consideration. The appeal is not likely to be taken up in the near future.

7. Considering all the above facts, this Court is inclined to suspend the sentence imposed on the petitioner, subject to the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/-, 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 Schedule Castes and Schedules Tribes (POA) Act, 1989, Villupuram;
- (ii) The petitioner 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 petitioner 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

1. The Special Court for Exclusive trial of cases registered under the Schedule Castes and Schedules Tribes (POA) Act, 1989, Villupuram
2. The Deputy Superintendent of Police,
Gingee Sub Division,
Villupuram District
3. The Public Prosecutor,
High Court, Madras
4. The Central Prison, Cuddalore

SUNDER MOHAN J.
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