



CRL MP(MD). No.5838 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 15.04.2026

CORAM

**THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
AND**

THE HONOURABLE MR JUSTICE K.K. RAMAKRISHNAN

CRL MP(MD). Nos.5838 to 5844 of 2026

in

Crl.A(MD).No.338 of 2026

1. Akkammal
W/o. Bose
Palvadi Street Endapulli Village
Periyakulam Theni District.

Petitioner(s)

Vs

1. The State of Tamilnadu
Rep by The Deputy Superintendent of Police
Periyakulam Sub Division
Periyakulam Police Station
Theni District.Crime no.1712 of 2020.

2. Aravindan
S/o.Murugan
Kattunayakar Street
Endapuli Periyakulam
Theni District.

Respondent(s)

CRL MP(MD) NO. 5842 of 2026

Santhosh @ Santhoshkumar
S/o.Muthuraja,
Perumal Kovil Street, Endapuli,
Periyakulam, Theni District.

Petitioner(s)

Vs



CRL MP(MD). No.5838 of 2026

1. The State of Tamilnadu
Rep by The Deputy Superintendent of Police
Periyakulam Sub Division Periyakulam Police Station
Theni District. Crime no.1712 of 2020.

2. Aravindan
S/o.Murugan
Kattunayakar Street Endapuli Periyakulam
Theni District.

Respondent(s)

CRL MP(MD) NO. 5843 of 2026

Poornavel
S/o.Mahalingam,
Kaliyamman Kovil Street,Endapuli,
Periyakulam, Theni District.

Petitioner(s)

Vs

1. The State of Tamilnadu
Rep by The Deputy Superintendent of Police
Periyakulam Sub Division Periyakulam Police Station
Theni District. Crime no.1712 of 2020.

2. Aravindan
S/o.Murugan
Kattunayakar Street Endapuli
Periyakulam Theni District.

Respondent(s)

CRL MP(MD) NO. 5841 of 2026

Raja
S/o.Chinnachamy, Muthalamman Kovil East
Street, Endapuli, Periyakulam, Theni District.

Petitioner(s)

Vs

1. The State of Tamilnadu
Rep by The Deputy Superintendent of Police
Periyakulam Sub Division Periyakulam Police Station
Theni District. Crime no.1712 of 2020.

2. Aravindan
S/o.Murugan



CRL MP(MD). No.5838 of 2026

Kattunayakar Street
Endapuli Periyakulam
Theni District.

CRL A(MD) NO. 338 of 2026

Respondent(s)

- 1.Akkammal
- 2.Raja
- 3.Saravanan
- 4.Santhosh&Santhoshkumar
- 5.Gopi @ Gopinath
- 6.Vairavelpandi
- 7.Poornavel

Appellants

Vs

1. The State of Tamilnadu
Rep by The Deputy Superintendent of Police
Periyakulam Sub Division Periyakulam Police Station
Theni District. Crime no.1712 of 2020.

2. Aravindan
S/o.Murugan
Kattunayakar Street
Endapuli Periyakulam
Theni District.

Respondent(s)

CRL MP(MD) NO. 5839 of 2026

Gopi @ Gopinath,
S/o. Aatichamy, Perumal Kovil Street,Endapuli,
Periyakulam, Theni District.

Petitioner(s)

Vs

1. The State of Tamilnadu
Rep by The Deputy Superintendent of Police
Periyakulam Sub Division Periyakulam Police Station
Theni District. Crime no.1712 of 2020.



CRL MP(MD). No.5838 of 2026

2. Aravindan
S/o.Murugan
Kattunayakar Street Endapuli Periyakulam
Theni District.

Respondent(s)

CRL MP(MD) NO. 5840 of 2026

Vairavelpandi,
S/o. Thangavelpandiyan,
Perumal Kovil Street, Endapulli Village,
Periyakulam, Theni District.

Petitioner(s)

Vs

1. The State of Tamilnadu
Rep by The Deputy Superintendent of Police
Periyakulam Sub Division Periyakulam Police Station
Theni District. Crime no.1712 of 2020.

2. Aravindan
S/o.Murugan
Kattunayakar Street Endapuli Periyakulam
Theni District.

Respondent(s)

CRL MP(MD) NO. 5844 of 2026

Saravanan
S/o.Veluchamy,
Perumal Kovil Street, Endapuli,
Periyakulam, Theni District.

Petitioner(s)

Vs

1. The State of Tamilnadu
Rep by The Deputy Superintendent of Police
Periyakulam Sub Division Periyakulam Police Station
Theni District. Crime no.1712 of 2020.

2. Aravindan
S/o.Murugan
Kattunayakar Street Endapuli
Periyakulam Theni District.

... Respondents



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PRAYER :- To suspend the sentence imposed against the petitioners in S.C. No. 4 of 2021 on the file of the Special Court for trial of cases under SC/ST (POA) Act, Theni District dated 27.02.2026 and enlarge the petitioners on bail pending the disposal of the appeal.

For Petitioners : Mr.V.Kathirvelu
Senior counsel for Mr.K.Prabu

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

(Order of the Court was made by N.Anand Venkatesh J.)

These petitions have been filed by the accused persons seeking suspension of substantive sentence of imprisonment imposed on them in S.C. No. 4 of 2021 dated 27.02.2026 on the file of the Special Court for trial of cases under SC/ST (POA) Act, Theni District.

2. The case of the prosecution is that the deceased is a resident of Endapuli village and he belonged to Scheduled Caste community. There was a previous enmity between the parties due to a temple festival in the year 2018. On 14.11.2020, some boys were bursting crackers in front of the house of A1 and A1 is said to have abused them in filthy language by referring to their community. This was questioned by the de-facto



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complainant. A1 and other accused persons formed an unlawful assembly and abused the de-facto complainant and others with filthy language by referring to their community and the deceased intervened and questioned the accused persons, at which point of time, he was pushed, beaten and kicked by the accused persons. Due to this assault, the deceased succumbed to the injuries and he was declared 'brought dead'.

3. Based on the complaint given by PW1, an FIR came to be registered in Crime No.1712/2020 for offence under Sections 147, 294(b), 323, 302, 302 r/w 114 IPC and Sections 3(1)(r), 3(1)(s), 3(1)(v) and 3(1)(va) of the SC/ST (POA) Act, 2019.

4. The trial Court, considering the facts and circumstances of the case and on appreciation of evidence, came to the conclusion that the prosecution has proved the case beyond reasonable doubts and accordingly convicted and sentenced the accused persons in the following manner:



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<i>Sl.No</i>	<i>Penal provisions IPC</i>	<i>Rank of the accused</i>	<i>Sentence to undergo</i>
1	147 r/w 3(2)(va) of SC/ST Act	A1 to A7	RI for one year each and to pay a fine of Rs.1,000/- each in default to undergo three months simple imprisonment
2	294(b)	A1 to A7	To pay a fine of Rs.1,000/- each in default to undergo three months simple imprisonment
3	302 r/w 3(2)(v) of SC/ST Act	A3 to A7	Life imprisonment and to pay a fine of Rs.2,000/- each in default to undergo one year rigorous imprisonment
4	302 r/w 114 IPC r/w 3(2)(v) of SC/ST Act	A1 and A2	Life imprisonment and to pay a fine of Rs.2,000/- each in default to undergo one year rigorous imprisonment
5	323 r/w 3(2)(va) of SC/ST Act	A3 to A7	Simple imprisonment for three months each and to pay a fine of Rs.500/- each in default to undergo one month simple imprisonment
6	3(1)(r), 3(1)(s) of SC/ST Act	A1 to A7	Rigorous imprisonment for six months and to pay a fine of Rs.1,000/- each for each offence in default to undergo one month rigorous imprisonment each

The sentences were ordered to run concurrently. Aggrieved by the same,
the present appeal has been filed before this Court.



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4. Heard the learned Senior counsel for the petitioners and the learned Additional Public Prosecutor for the respondent.

5. The main ground that was urged by the learned Senior counsel for the appellants is that even as per the eyewitness account, no overt act was attributed against A1 and A2 and the so called assault is by way of pushing and beating with hands and ultimately the deceased had died due to Myo-cardiac Infarct, which is not relatable to the injuries sustained by the deceased since the postmortem Doctor was not able to find any external or internal injuries.

6. Per contra, the learned Additional Public Prosecutor submitted that even though A1 and A2 did not have any specific overt act, it is on their instigation the entire incident had taken place and the same has been properly appreciated by the trial Court while convicting and sentencing the accused persons. The learned Additional Public Prosecutor further submitted that there are no previous cases against the petitioners.

7. The second respondent, who is the complainant, has been served with notice and there is no appearance either in person or through



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counsel. The name of the 2nd respondent has also been printed in the cause list.

8. Taking into consideration the grounds raised on the side of the appellants and considering the overt act that has been attributed against the appellants and also taking note of the fact that the entire incident had taken place on the spur of the moment and also taking note of the fact that there are no previous cases against the appellants and they have suffered incarceration from 27.02.2026, this Court is inclined to suspend the substantive sentence of imprisonment alone imposed on the appellants/petitioners.

9. Accordingly, these Criminal Miscellaneous Petitions are allowed, subject to the following conditions:

(i) The petitioners shall execute a bond for a sum of Rs. 25,000/-, with two sureties, of whom, one should be a blood relative, for a like sum to the satisfaction of the Special Court for trial of cases under SC/ST (POA) Act, Theni District;

(ii) 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 to



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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. pending disposal of the criminal appeal.

(iv) The petitioners shall also report before the Inspector of Police, Periyakulam Police Station every Friday at 5.30 p.m. for a period of eight weeks.

[N.A.V., J.] & [K.K.R.K., J.]

15.04.2026

RR



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To

1. The Special Court for trial of cases under SC/ST (POA) Act, Theni District
2. The Inspector of Police,
Periyakulam Police Station,
Theni District.
3. The Superintendent of Prisons, Central Prison, Madurai.
4. The Deputy Superintendent of Police
Periyakulam Sub Division
Periyakulam Police Station
Theni District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.
and
K.K. RAMAKRISHNAN,J.

RR

CRL MP(MD). Nos.5838 to 5844 of 2026
in
CrI.A(MD).No.338 of 2026

Date : 15.04.2026