



CRL MP(MD)No.7481 of 2026
in CRL A(MD)No.426 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.06.2026

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL MP(MD)No.7481 of 2026

in

CRL A(MD)No.426 of 2026

Radhakrishnan

... Petitioner

Vs.

1. The State of Tamilnadu, Rep by
The Assistant Superintendent of Police,
Kottar Police Station,
Nagercoil,
Kanyakumari District.
(Crime No.86 of 2019)

2. Murugammal

... Respondents

This petition is filed under Section 430(2) and 483 of BNSS seeking to suspend the sentence imposed by the Special Court for Exclusive Trial of Cases under SC and ST (POA) Act Cases, Kanyakumari District at Nagercoil in S.C.No.26 of 2025 dated 25.02.2026 pending disposal of this Criminal Appeal.



CRL MP(MD)No.7481 of 2026
in CRL A(MD)No.426 of 2026

WEB COPY For Petitioner : Mr.L.George Paul Anto

For R1 : Mrs.V.Moushica,
Government Advocate (Crl. Side)

For R2 : No appearance

ORDER

The petitioner is the sole accused in S.C.No.26 of 2025 on the file of the Special Court for Exclusive Trial of Cases under SC & ST (PoA) Act, Kanyakumari District at Nagercoil. He was tried for the offence under Sections 294(b), 324, 355 and 506(2) IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Sections 3(1)(r) and 3(1)(s) of SC/ST Amendment Act. In conclusion of trial, the trial Court, by its Judgment dated 25.02.2026, found the petitioner guilty for the offence under Sections 355, 324 IPC (3 counts) r/w. Section 3(2)(va) of SC/ST (PoA) Amendment Act 2015 and Section 506(ii) IPC r/w. 3(2)(va) of SC & ST (PoA) Amendment Act 2015, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002 and Sections 3(1)(r) and 3(1)(s) of SC/ST (PoA) Amendment Act, 2015 and convicted and sentenced him as under:



CRL MP(MD)No.7481 of 2026
in CRL A(MD)No.426 of 2026

WEB COPY

Sl. No	Sections	Punishment	Fine amount	Default
1.	355 IPC	One year rigorous imprisonment	Rs.100/-	One month simple imprisonment
2.	324(3 counts) r/w. 3(2)(va) of SC/ST (PoA) Act	2 years rigorous imprisonment (each count)	Rs.500/-	3 months simple imprisonment
3.	506(ii) IPC r/w. 3(2)(va) of SC/ST (PoA) Act	2 years rigorous imprisonment	Rs.500/-	3 months simple imprisonment
4.	4 of Tamil Nadu Prohibition of Harassment of Women Act	2 years rigorous imprisonment	Rs.10,000/-	3 months simple imprisonment
5.	3(1)(r) of SC/ST (PoA) Act	6 months rigorous imprisonment	Rs.500/-	One month simple imprisonment
6.	3(1)(s) of SC/ST (PoA) Act	6 months rigorous imprisonment	Rs.500/-	One month simple imprisonment

Challenging the Judgment of conviction and sentence, the petitioner has filed a Criminal Appeal before this Court in Crl.A.(MD)No.426 of 2026. Along with the appeal, the petitioner has moved this petition seeking to suspend the sentence imposed by the trial Court.



CRL MP(MD)No.7481 of 2026
in CRL A(MD)No.426 of 2026

WEB COPY

2. The learned counsel for the petitioner has raised the following grounds for grant of suspension of sentence:-

- (i) There was a delay in filing the FIR and reaching the Court
- (ii) Major prosecution witnesses are relatives.
- (iii) The petitioner is only other community person residing in the occurrence area, due to that, there was misunderstanding with the defacto complainant and her community people.
- (iv) There are contrary statements given by P.W.1 to P.W.4 as to how they reached the hospital.
- (v) The auto driver and one Chidambaram, who wrote the complaint, were not enquired. The details of the bikes were not disclosed.
- (vi) Bloodstained shirts collected by the police from P.W.2 to P.W.4 were not produced as evidence.

3. The learned Government Advocate (Crl. Side) submits that the petitioner is not in jail and he has absconded. She further submits that the petitioner is a history sheeted rowdy having 11 previous cases to his



CRL MP(MD)No.7481 of 2026
in CRL A(MD)No.426 of 2026

WEB COPY

credit, which are as follows:

(i) Kottar Police Station – Cr.No.45/2023 – u/s. 294(b), 435, 506(ii) IPC – C.C.No.504/2023 – acquitted.

(ii) Kottar Police Station – Cr.No.83/2023 – u/s. 294(b), 435, 506(i) IPC – C.C.No.607/2023 – acquitted.

(iii) Kottar Police Station – Cr.No.162/2023 – u/s. 294(b), 435, 506(i) IPC – C.C.No.898/2023 – L.W.1 to L.W.3 – 29.04.2026.

(iv) Kottar Police Station – Cr.No.327/2023 – u/s. 294(b), 435, 506(i) IPC – C.C.No.371/2024 – Trial – 22.04.2026.

(v) Kottar Police Station – Cr.No.12/2024 – u/s. 294(b), 435, 506(i) IPC – C.C.No.971/2025 – copies.

(vi) Kottar Police Station – Cr.No.35/2024 – u/s. 294(b), 323, 307, 506(ii) & 34 IPC – S.C.No.53/2025 – LW5 to LW10 – 17.04.2026.

(vii) Kottar Police Station – Cr.No.262/2024 – u/s. 294(b), 506(i) IPC – C.C.No.1045/2025 – service pending summon – 05.06.2026.

(viii) Kottar Police Station – Cr.No.317/2024, u/s. 294(b), 435, 506(i) IPC – SC No.272/2025 – appearance – 24.04.2026.

(ix) Rajakkamangalam Police Station – Cr.No. 244/2018 – u/s. 294(b), 435, 506(i) IPC – C.C.No.



WEB COPY



CRL MP(MD)No.7481 of 2026
in CRL A(MD)No.426 of 2026

136/2020 – L.W.1 to L.W.5 – 04.06.2026.

(x) Suchindrum Police Station – Cr.No.368/2022 –
u/s. 294(b), 435, 506(i) IPC – C.C.No.138/2024 – service
pending summon – 25.05.2026.

(xi) Kottar Police Station – Cr.No.215/2025 – u/s.
296(b), 115(2), 118(2), 351(3) BNS – C.C.No.1391/2025
– service pending summon – 04.06.2026.

Out of 11 cases, 8 cases are pending before the concerned Court awaiting summons for appearance of the petitioner. The learned Government Advocate further submits that the petitioner has evaded to appear before the Courts and therefore, all those cases are pending without any progress.

4. The learned counsel for the petitioner submits that the maximum imprisonment imposed on the petitioner is only for two years and the trial Court has also suspended the sentence for a period of one month.

5. This Court considered the rival submissions made.



CRL MP(MD)No.7481 of 2026
in CRL A(MD)No.426 of 2026

WEB COPY

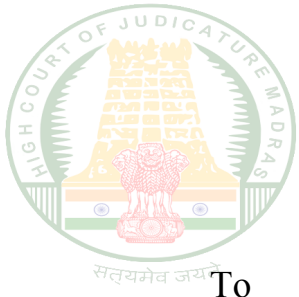
6. Though the petitioner has been convicted and sentenced for a period of two years, he is involved in eleven other cases. Further, the petitioner has evaded the trial proceedings before other Courts and therefore, nine cases are pending without any progress. In the event, if the petitioner is released on bail, he may not be available during appeal proceedings.

7. Considering the conduct of the petitioner in not co-operating for trial proceedings in other cases and also considering the fact that the petitioner is not in jail as on date, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Miscellaneous Petition is dismissed. The respondent Police is directed to secure the petitioner and ensure that trial proceedings in other cases are concluded without any further delay.

12.06.2026

ogy



CRL MP(MD)No.7481 of 2026
in CRL A(MD)No.426 of 2026

To
WEB COPY

1. The Special Court for Exclusive Trial of Cases
under SC and ST (POA) Act Cases,
Kanyakumari District at Nagercoil.
2. The Assistant Superintendent of Police,
Kottar Police Station,
Nagercoil,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRL MP(MD)No.7481 of 2026
in CRL A(MD)No.426 of 2026

B.PUGALENDHI, J.

ogy

CRL MP(MD)No.7481 of 2026
in
CRL A(MD)No.426 of 2026

12.06.2026