



CRL MP(MD). No.4899 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16/02/2026

CORAM

**THE HONOURABLE MRS. JUSTICE N.MALA**

**CRL MP(MD). No.4899 of 2025**

**in**

**CRL A(MD)No.134 of 2023**

Subramanian

... Petitioner

Vs

The State of Tamilnadu,  
Rep. by the Deputy Superintendent of Police,  
O/o the Deputy Superintendent of Police,  
Santhankulam Police Station,  
Thoothukudi District.  
(Crime No.204 of 2014).

... Respondent

PRAYER :- To Suspend the Sentence of imprisonment imposed by the Special Court for SC/ST (POA) Act, Thoothukudi in S.C.No.25 of 2020 by the judgment dated 25.01.2023 and enlarge the petitioner/appellant on bail, pending disposal of the above said Criminal Appeal.

For Petitioner : K.P.Narayanakumar

For Respondent : Mr.Hassan Mohamed Jinnah  
State Public Prosecutor  
Assisted by Mr.K.Sanjai Gandhi  
Government Advocate (Crl.Side)



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## **ORDER**

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed on the petitioner by the Special Court for SC/ST (POA) Act, Thoothukudi in S.C.No.25 of 2020, dated 25.01.2023 and enlarge him on bail, pending disposal of the Criminal Appeal.

2.This is the fourth application filed by the petitioner seeking suspension of sentence. The petitioner had earlier filed applications for suspension of sentence and this Court dismissed the applications.

3.This Court by order dated 09.09.2024 in CrI.M.P(MD)No.2730 of 2024, while dismissing the application, directed the Registry to prepare the type set of papers, so that the main appeal be taken up for hearing.

4.The learned counsel for the petitioner submitted that, despite the specific direction issued by this Court to prepare the type set of papers, the same has not been prepared till date. Therefore, the appeal was not



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taken up for hearing. The learned counsel submitted that the petitioner has already undergone 3 ½ years of incarceration, which is 50% of the term of the sentence of seven years. The learned counsel prayed that under these circumstances, the petitioner may be granted suspension of sentence.

5.The learned Government Advocate for the respondent submitted that the petitioner is a history sheeter with several criminal cases filed against him. The learned Government Advocate submitted that since this Court had already directed the Registry to prepare the type set of papers for the final disposal of the appeal, the petition for suspension of sentence lacks no merits and deserves to be dismissed.

6.Heard both sides and perused the materials on record.

7.It is not in dispute that the petitioner has undergone 50% of the limited term sentence of 7 years. The only objection raised by the respondent is that the petitioner has history of 22 cases registered against him.



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8.It is seen from the list of cases produced by the respondent that, in most of the cases, the petitioner has either been acquitted or the cases disposed of. In one case, trial is pending in Crime No.264 of 2021 under Section 294(b), 506(2) of IPC and Section 4 of TNPHW Act. In other case, the petitioner is convicted for an offence under Section 107 Cr.P.C., in Crime No.241 of 2011.

9.The learned Government Advocate submitted that the issue relating to the powers of Magistrate as well as the Deputy Commissioner of Police, to issue orders under Section 107 and 110 of Cr.P.C., is now sub judice before the Hon'ble Supreme Court.

10.In view of the fact that the petitioner has completed 50% of the sentence and in the light of the judgment of the Hon'ble Supreme Court in the case of *Atul @ Ashutosh Vs. State of Madhya Pradesh (Crl.A.No. 579 of 2024 arising out of Spl (Crl) No.1049 of 2024)*, this Court is inclined to grant suspension of sentence to the petitioner.



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11. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal with the following directions:

(i) the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, within a period of 10 days from the date of receipt of a copy of this order, each for a like sum to the satisfaction of the Special Court for SC/ST (POA) Act, Thoothukudi.

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;

(iii) The petitioner shall appear before the trial Court daily at 10.30 a.m., till the disposal of the appeal.

**16.02.2026**

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To

- 1.The Special Court for SC/ST (POA) Act,  
Thoothukudi.
- 2.The Central Prison, Palayamkottai.
- 3.The Deputy Superintendent of Police,  
O/o the Deputy Superintendent of Police,  
Santhankulam Police Station,  
Thoothukudi District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**N.MALA,J**

Sn

ORDER  
IN  
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Date : 16/02/2026