



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.05.2026

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THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No.9965 of 2026

in

CRL A(MD) No.589 of 2026

Vaippu Thevar

... Petitioner/Sole Accused

- Vs. -

1. The State of Tamilnadu, Rep. by,
The Deputy Superintendent of Police,
Aundipatti Sub Division,
Mayiladumparai Police Station,
Theni District.
(In Crime No.255/2016)

.. 1st Respondent/Complainant

2. Pandiyammal

.. 2nd Respondent/Defacto Complainant

Prayer in CRL MP(MD). 9965/ 2026 : C-60. To suspend the sentence imposed against the petitioner in Special Court for Trial of Cases under SC/ST (POA) Act, Theni in Spl.S.C.No.61 of 2020 dated 05.05.2026 and enlarge the petitioner on bail pending disposal of above criminal appeal.



Prayer in CRL A(MD). 589/ 2026 : To call for the records relating to the judgment in Spl.S.C.No.61/2020 dated 05.05.2026 on the file of the Special Court for Trial of Cases under SC/ST (POA)Act, Theni and set aside the same and allow the Criminal Appeal.

For Petitioner: Mr.C.Susikumar

For Respondents: Mr.S.Siva Subramanian
Counsel for the State of Tamilnadu (Crl. side) for R1

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed on the petitioner / sole accused by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA)Act, Theni, in Spl.S.C.No.61 of 2020 dated 05.05.2026, till the disposal of the appeal.

2. The case of the prosecution is that on 01.11.2016 at about 1.00 a.m, when the victim was alone in her house and her husband was away from the village for avocation, the petitioner / sole accused, had trespassed into her house and sexually harassed her and also abused her using filthy language. Hence, FIR came to be registered in Crime No.255 of 2016.

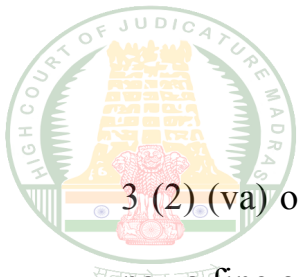


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3. The respondent police, after completing the investigation, has filed a final report against the petitioner for the offence under Sections 448, 354A and 506(i) of IPC r/w Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2015 and Section 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, and the case was taken on file in Spl.S.C.No.61 of 2020 on the file of the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA)Act, Theni.

4. During trial, the prosecution examined 12 witnesses as P.W.1 to P.W.12 and exhibited 8 documents as Ex.P.1 to Ex.P.8. On the side of the defence, no witness was examined and no documentary evidence was adduced.

5. The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, passed the impugned judgment dated 05.05.2026 convicting the petitioner for the offence under Section 448 IPC and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/-, in default, to undergo rigorous imprisonment for a further period of three months and for the offence under section 354(A), r/w 3 (2) (va) of SC/ST Act, sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 3 months rigorous imprisonment and for the offence under Section 506(ii), r/w



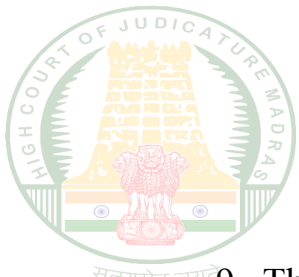
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3 (2) (va) of SC/ST Act, sentenced to undergo 6 months rigorous imprisonment and to pay a fine of Rs. 1,000/- in default to undergo one month rigorous imprisonment and for the offence under section 3 (1) (w) (ii) of SC/ST Act, sentenced to undergo 6 months rigorous imprisonment and to pay a fine of Rs. 1,000/- in default to undergo one-month rigorous imprisonment. Aggrieved by the impugned judgment of conviction and sentence, the sole accused has preferred the present Criminal Appeal along with the above miscellaneous petition for suspension of sentence.

6. The learned counsel appearing for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioner has already paid the fine amount.

7. The learned Counsel for the State of Tamilnadu (Crl. side) appearing for the 1st respondent police would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

8. This Court has carefully considered the rival contentions putforth by either side and also perused the materials available on record.



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9. The learned counsel appearing for the petitioner would point out certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

10. In the result, the Criminal Miscellaneous Petition is **ordered**. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Theni.

(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 ensure their identity; and

(iii) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at **10.30 a.m., until further orders** and if he is not able to appear before



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the trial Court on any day, he shall make arrangements to file an application under Section 355 B.N.S.S. 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.

27.05.2026

(2/2)

PJL

To

1. The Sessions Judge,
Special Court for Trial of Cases under SC/ST (POA) Act,
Theni.
2. The Deputy Superintendent of Police,
Aundipatti Sub Division,
Mayiladumparai Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.