



*Crl.M.P.(MD)No.8056 of 2025
in Crl.A.(MD)No.697 of 2025*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.03.2026**

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.8056 of 2025

in Crl.A.(MD)No.697 of 2025

Pitchumani

... Petitioner

versus

The State Tamilnadu Rep. by its

1. The Deputy Superintendent of Police,
Tenkasi Sub Division,
Tenkasi Police Station,
Tenkasi District.

2. Mariappan

... Respondents

Petition filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed against the petitioner by the Principal District Court, Tenkasi, in S.C.No.200 of 2025 dated 10.06.2025 and enlarge him on bail pending dispose of the above criminal appeal.



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For Petitioner : Mr.C.Susikumar
For R1 : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. side)

ORDER

The petitioner is the sole accused in S.C.No.200 of 2025 on the file of the Principal District Court, Tenkasi. The petitioner, in an intoxicated mood, said to have abused the defacto complainant/2nd respondent herein by using his caste name, for which, he was charged for the offence under Sections 294(b), 506(i) IPC r/w. Section 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST(POA) Act. After the trial, the trial Court, by its Judgment dated 10.06.2025, found the petitioner guilty and convicted him for the offence under Section 3(1)(r) and 3(2)(va) of SC/ST (POA) Act 1989 r/w. Section 506 IPC. For the offence under Section 3(1)(r) of SC/ST (POA) Act, he was sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo one month simple imprisonment. Insofar as Section 3(2)(va) of SC/ST(POA) Act r/w. Section 506 IPC is concerned, since the said offence are composed of parts of under Section 3(1)(r) of SC/ST Act, he was not punished for more than one of those offences as per Section 71 of IPC and therefore, the trial Court convicted



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him under Section 3(2)(va) of SC/ST Act r/w. Section 506 IPC without imposing any sentence. Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A.(MD)No.697 of 2025 and the same was admitted by this Court on 25.06.2025. Along with the appeal, the petitioner has filed this petition to suspend the sentence imposed by the trial Court.

2. The learned counsel appearing for the petitioner submits that there was a delay in lodging the complaint and the FIR reaching the Court. But, there was no explanation on the side of the prosecution for the said delay. He further submits that due to previous enmity with regard to damage of water pipe line, this complaint has been lodged. P.W.7 and P.W.8, who have supported the case of the prosecution, turned hostile. P.W.9 and P.W.10, who are mahazar witnesses, have also turned hostile. Therefore, there are arguable points in favour of the petitioner in this appeal.

3. The learned counsel for the petitioner further submits that the trial Court has suspended the sentence for a period of one month and subsequently, it has not been extended by the trial Court. Now, the petitioner has surrendered



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before the trial Court on 12.03.2026 and he is in jail. Therefore, he requested to consider the case of the petitioner for suspending the sentence pending the appeal.

4. Heard the learned Government Advocate (Crl. Side).

5. The petitioner has raised certain arguable points in the appeal. However, the appeal could not be taken up for final disposal for want of time. Further, the trial Court has already suspended the sentence for a period of one month, however, it has not been subsequently extended. Now, the petitioner has surrendered before the trial Court on 12.03.2026 and he is in jail.

6. Considering the points raised by the petitioner and also considering the fact that the appeal could not be taken up for final disposal for want of time, this Court is inclined to allow this petition.

7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioners are ordered to be enlarged on bail on executing a bond for Rs.25000/- (Rupees



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twenty five thousand only) each with two sureties each for a like sum to the satisfaction of the Principal District Court, Tenkasi and on further condition that the petitioners shall appear before the said Court once in a month, i.e. on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal.

13.03.2026

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To

1. The Principal District Court,
Tenkasi.
2. The Deputy Superintendent of Police,
Tenkasi Sub Division,
Tenkasi Police Station,
Tenkasi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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4. The Superintendent,
Central Prison,
Palayamkottai.

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