



CRL MP(MD). No.14623 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 03.03.2026

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL MP(MD)No.14623 of 2025

in

Crl.A.(MD)No.1108 of 2025

Arun @ Arunkumar

... Petitioner

Vs

1. The State of Tamilnadu,
Rep. by the Deputy Superintendent of Police,
Srivilliputtur Sub Division,
Vanniyampatti Vilakku Police Station,
Virudhunagar District.

2. J.Uthayakumar

... Respondents

Petition filed under Section 430 of BNSS 2023, to suspend the sentence imposed on the petitioner by the learned Sessions Judge, Special Court for Trial of SC/ST(POA) Act Cases, Virudhunagar District at Srivilliputhur in Spl.S.C. No. 4 of 2021 dated 13.06.2025 and enlarge him on bail pending disposal of the Criminal Appeal.



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For Petitioner : Mr.M.Jegadeesh Pandian

For R1 : Mr.S.Prakash,
Government Advocate (Crl. side)

ORDER

The petitioner is the sole accused in Spl.S.C.No.4 of 2021 on the file of the learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act Cases, Virudhunagar District at Srivilliputtur. After the trial, the Trial Court, by its Judgment dated 13.06.2025, found the petitioner guilty for the offence under Sections 307, 326, 506(ii) IPC r/w. 3(2)(va) of SC/ST (POA) Act and convicted and sentenced him as follows:

(i) for the offence under Section 307 IPC, to undergo 10 years rigorous imprisonment and to pay a fine of Rs.1,000/- and in default, to undergo one month simple imprisonment;

(ii) for the offence under Section 326 IPC, to undergo 3 years rigorous imprisonment and to pay a fine of Rs.1,000/- and in default, to undergo one month simple imprisonment;

(iii) for the offence under Section 506(ii) IPC r/w. 3(2)(va) of SC/ST (POA) Act, to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/- and in default, to undergo one month simple



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imprisonment.

Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in CrI.A.(MD)No.1108 of 2025 and the same was admitted by this Court on 16.10.2025. Along with the Criminal Appeal, the petitioner has also moved this petition seeking to suspend the sentence imposed by the trial Court pending the appeal.

2. The learned counsel appearing for the petitioner submits that P.W.2/Victim himself has stated that there is no motive for the occurrence and the FIR was also lodged with a considerable delay. PW1, an eye-witness to the occurrence, who set the law in motion, states that the occurrence had taken place in the tea shop of P.W.3, however, P.W.3 turned hostile. The complaint was lodged for the offence under Sections 3(1)(r), 3(1)(s) of SC/ST (POA) Act, however, the trial Court found that those offences have not been proved and the appellant has been acquitted from those offences. The learned counsel also submits that according to P.W.2, he was not aware as to who attacked him.

3. The learned Government Advocate (Crl. Side) submits that



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P.W.1 and P.W.2 went to the tea shop belonging to P.W.3 to buy a parcel tea on 26.10.2020 at about 18.50 hrs. At that time, the petitioner with a motive pursuant to the earlier case in Crime No.202 of 2020, attacked P.W.2 and caused grievous injury. He further submits that the Investigating Officer has recovered an aruval from the petitioner/appellant and the prosecution has proved the case through P.W.1.

4. This Court considered the rival submissions made.

5. The petitioner was found guilty, convicted and sentenced by the trial Court, by Judgment dated 13.06.2025. The appeal filed by the petitioner has been admitted on the grounds raised thereon. The petitioner is in jail from 12.06.2025. The appellant has made out certain points, which can be considered only during the final hearing. However, the appeal could not be taken up for final hearing for want of time.

6. Considering the points raised by the petitioner, his period of incarceration and for the reason that the appeal could not be taken up



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immediately, this Court is inclined to allow this petition.

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8. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on the following conditions:

(i) The petitioner shall execute a bond for 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 SC/ST (POA) Act Cases, Virudhunagar District at Srivilliputtur.

(ii) The petitioner shall appear before the said Court daily at 10.30 a.m. until further orders.

03.03.2026

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To

1. The Sessions Judge,
Special Court for Trial of SC/ST (POA)
Act Cases,
Virudhunagar District at Srivilliputtur.
2. The Superintendent,
Central Prison, Madurai.
3. The Deputy Superintendent of Police,
Srivilliputtur Sub Division,
Vanniyampatti Vilakku Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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