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CRL.M.P.(MD) No. 423 of 2026
BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2026

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THE HONOURABLE MRS JUSTICE N. MALA

CRL MP(MD) No. 423 of 2026

IN CRL A(MD) No. 33 of 2026

- 1.Perumal
- 2.Thavidan @ Muthumayan
- 3.Murugan

...Petitioners/Appellants

Vs.

- 1.The State Rep. By
The Deputy Superintendent of Police,
Thirumangalam, Madurai District.

2. The Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District
(Crime No. 1461/2020)

- 3.Palaniyammal

Respondents/Respondents

For Petitioners(s):

- For R1 & R2** : Mr.S.Pandiyaraj
: Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)
- For R3** : Ms.S.Meena

Prayer: This petition is filed under Section 389(1) Cr.P.C r/w Section 430(1) of BNSS to suspend the sentence imposed on the petitioners by the III Additional District and Sessions Judge (PCR), Madurai, in Spl.S.C.No.85 of 2021 by his judgment dated 02.12.2025 and enlarge the petitioners on bail pending disposal of the main appeal.

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ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioners by the learned III Additional District and Sessions Judge (PCR), Madurai, in Spl.S.C.No.85 of 2021 dated 02.12.2025 and enlarge them on bail pending disposal of the appeal.

2. The case of the prosecution in brief is that on 30.10.2020, at about 9.00 p.m, while the defacto complainant's brother-in-law, namely, Uthirakumar, was sleeping in front of the house, the accused 1 to 3, assaulted him with iron rod and sickle. When the women of the family tried to stop, the accused assaulted them and abused them with filthy language by referring to their caste name. Thereafter, the accused fled away from the scene of occurrence. The defacto complainant, the third respondent, lodged a complaint on 31.10.2020. Based on the complaint, FIR was registered in Crime No.1461 of 2020 against six accused. Against the accused 1 and 3, the case was registered for the offences punishable under Sections 147, 148, 294(b), 324, 506(ii) IPC and Section 4 of TNPHW Act 2002, 3(1)(r), 3(1)(s), 3(2)(va) SC/ST (POA) Amendment Act-2015 and against the second accused the case was registered for the offences under Sections 147, 148, 294(b), 323, 506(ii) IPC and Section 4 of TNPHW Act 2002, 3(1)(r), 3(1)(s), 3(2)(va) SC/ST (POA) Amendment

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Act-2015 and against the accused 4 to 6 the case was registered for the offences under Sections 147, 148, 294(b), 323 IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) SC/ST (POA) Amendment Act-2015.

3. After completion of investigation, charge sheet was filed and the same was taken on file in Spl.S.C.No.85 of 2021 on the file of the learned III Additional District and Sessions Judge (PCR), Madurai.

4. During trial, the prosecution examined 10 witnesses as P.W.1 to P.W.10, exhibited 10 documents as Ex.P.1 to Ex.P.10. No material objects were marked. On the side of the defence, no witness was examined and no document was marked.

5. The learned III Additional District and Sessions Judge (PCR), Madurai, upon considering the evidence, both oral and documentary and on hearing the arguments on both sides, passed the impugned judgment in Spl.S.C.No.85 of 2021 dated 02.12.2025 convicting the petitioners/accused 1 to 3 and sentencing them as follows:

Accused	Offences	Sentence
1 st Accused	(i) Section 323 IPC	1 year R.I and a fine of Rs.300/- i/d R.I for one month
	(ii) Section 323 IPC r/w	1 year R.I and a fine of Rs.500/- i/d R.I for



	Section 3(2)(va) SC/ST (POA) Act	one month
Accused	Offences	Sentence
2 nd Accused	(i) Section 323 IPC (2 counts)	1 year R.I and a fine of Rs.300/- i/d R.I for one month
	(ii) Section 323 IPC r/w Section 3(2)(va) SC/ST (POA) Act	1 year R.I and a fine of Rs.500/- i/d R.I for one month

Accused	Offences	Sentence
3 rd Accused	(i) Section 323 IPC (2 counts)	1 year R.I and a fine of Rs.300/- i/d R.I for one month
	(ii) Section 323 IPC r/w Section 3(2)(va) SC/ST (POA) Act	1 year R.I and a fine of Rs.500/- i/d R.I for one month

Further, it was ordered that the period of imprisonment in respect of each count shall run concurrently.

6. Challenging the above said conviction and sentence, the petitioners have preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

7. The learned counsel for the petitioners submitted that the prosecution witnesses, P.W.1 to P.W.5, were related to each other and that their testimony was interested and biased, apart from being inconsistent. The learned counsel further submitted that the evidence of the prosecution witnesses P.W.1 to P.W.5



was contradictory to the evidence of P.W.8, the Doctor. The learned counsel also submitted that the prosecution failed to prove the charges against the petitioners/ A1 to A3 beyond reasonable doubt. Hence, he prayed for suspension of sentence to the petitioners.

8. The learned Government Advocate (Crl.side) appearing for the respondents 1 and 2 submitted that the trial court had appreciated the evidence in a proper perspective and in the absence of contradictions in the prosecution evidence, the judgment of the trial court need not be suspended by this Court and hence, he strongly opposed the grant of suspension of sentence.

9. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

10. It is seen that P.W.8, the Doctor, in his evidence testified that the injuries caused to the victim could be caused even in a scuffle between the family members. This evidence of the Doctor attains significance because P.W.1 to P.W.5 are closely related family members. Therefore, without going deep into the merits of the case, this Court finds that arguable points are raised in the appeal which may favour the petitioners in the appeal. This Court is hence



inclined to suspend the sentence pending disposal of the appeal.

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11. Considering the above stated facts, this Court is of the considered view that the petitioners herein are entitled for the relief of suspension of sentence.

12. 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 petitioners shall pay the fine amount of Rs.800/- each, within a period of two weeks from today ;

(ii) Upon payment of the fine amount and production of the receipt, the petitioners are directed to be enlarged on bail on condition that each of the petitioners shall execute a bond for a sum of Rs.5,000/- (Rupees Five 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 III Additional District and Sessions Judge (PCR), Madurai.

(iii) 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 ;



(iv) The petitioners shall appear before the trial Court in 1st Monday and 3rd Monday of every month at 10.30 a.m., until further orders. If they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 of Cr.P.C (355 of BNSS) and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.

03.02.2026

CM

To,

1. The Deputy Superintendent of Police,
Thirumangalam, Madurai District.

2. The Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District
(Crime No. 1461/2020)

3. The III Additional District and Sessions Judge (PCR),
Madurai

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.MALA., J.

CM

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