

(2025) 12 MAD CK 0011

Madras HC

Case No: Criminal Miscellaneous Petition (MD) No. 19643 Of 2025 In Criminal Appeal (MD)
No. 1337 Of 2025

S.Muthukumar

APPELLANT

Vs

State of Tamilnadu And Others

RESPONDENT

Date of Decision: Dec. 16, 2025

Acts Referred:

- Indian Penal Code, 1860-Section 294(B), 323
- Scheduled Castes And The Scheduled Tribes (Prevention Of Atrocities) Act, 1989-Section 3(1)(r)(s), 3(2)(va)
- Code Of Criminal Procedure, 1973-Section 317

Hon'ble Judges: N.Mala, J

Bench: Single Bench

Advocate: V.Muthu Kamatchi, K.Sanjai Gandhi, .V.Selva Kumar

Final Decision: Allowed

Judgement

N.Mala, J

1. This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the learned I Additional District and sessions Judge(PCR), Thanjavur, in Spl.S.C.No.61 of 2023 dated 18.11.2025, and enlarge him on bail pending the disposal of the appeal.

2. The case of the prosecution is that the defacto complainant, second respondent herein lodged a complaint against the petitioner for abusing and causing simple injuries to him and also for abusing his daughter in law in filthy language. The petitioner was therefore charge sheeted for the offences under Section 294(b), 323 IPC r/w Section 3(1) (r)(s) and 3(2)(va) of SC/ST (POA) Act, 1989.

3. Before the trial court, on the side of the prosecution, 13 witnesses were examined as P.W.1 to P.W.13 and 15 documents were marked as Ex.P.1 to Ex.P.15. No material

object was marked. On the side of the accused, neither witness was examined nor document was marked

4. The learned I Additional District and sessions Judge(PCR), Thanjavur, upon considering the evidence both oral and documentary and on hearing the arguments on both the sides, passed the impugned judgment dated 18.11.2025, convicting the petitioner as follows:

S.No.	Offence	Sentence	Fine	In default sentence
1.	258 (ii) BNS & 294(b) of IPC	6 months simple imprisonment	Rs.1,000/-	1 month simple imprisonment
2.	3(1)(r)(s) of SC/ST (POA) Act 323 of IPC r/w Section	6 months simple imprisonment	Rs.1,000/-	1 month simple imprisonment
3.	3(2)(va) of SC/ST (POA) Act	6 months simple imprisonment	Rs.500/-	1 month simple imprisonment

5. Challenging the above said conviction and sentence, the appellant has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

6. The Trial Court by order dated 18.11.2025 in CrI.M.P.No.942 of 2025 suspended the sentence for one month on condition that the petitioner pays the fine amount and also executes own bond for Rs.10,000/- before the Court along with two sureties for like sum to the satisfaction of the Court on or before 21.11.2025.

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

8. The learned Additional Public Prosecutor appearing for the State would submit that there are enough materials available on record against the petitioner 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. The learned counsel appearing for the petitioner pointed out the incongruities, inconsistencies and contradictions in material particulars in the prosecution's case, which establish that there are certain arguable points in the criminal appeal. However, the criminal appeal is not likely to be taken up for final hearing in the near future. Hence, this Court is of the considered view that the petitioner herein is entitled for the relief of suspension of sentence.

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 I Additional District and Sessions Court, (PCR), Thanjavur.

(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 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 the trial Court on any day, he 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 his absence, as directed by the trial Court.