

Mohamed Basheer Vs The State of Tamilnadu, Represented by The Deputy Superintendent of Police,

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Court : Chennai

Decided On : Jul-02-2026

Judge : Honourable Mr Justice B.Pugalendhi

Appeal No. : CRL MP(MD)/12064/2026

Appellant : Mohamed Basheer

Respondent : The State of Tamilnadu, Represented by The Deputy Superintendent of Police,

Judgement :

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT DATED :
02.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI in CrIA(MD)No.713
of 2026 1.Mohamed Basheer 2.Selvam 3.Rani 4.Nazar Khan
...Petitioners Vs 1.The State represented by its The Deputy
Superintendent of Police, Periyakulam Sub-Division, Jeyamangalam
Police Station, Theni, Theni District. [Crime No.98 of 2019] 2.Panju ...

Respondents PRAYER: Petition filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita to suspend the sentence imposed upon the petitioners in Spl SC.No.169 of 2020 by its order dated 19.05.2026 on the file of the Special Court for Trial of Cases under SC/ST (POA) Ac, Theni and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioners : Mr.M.A.M.Raja For Respondent : Mrs.Moushica, No.1
Government Advocate For Respondent : Mrs.Panju No.2

ORDER

The petitioners are accused Nos.1 to 4 in Spl SC.No.169 of 2020 on the file of the learned Sessions Judge, Special Court for trial of SC/ST [POA] Act Cases, Theni. They were tried and by judgment dated 19.05.2026 the trial court found them guilty, convicted and sentenced as follows: i)A1 is convicted U/s.294(b) of IPC and sentenced to pay a fine of Rs.1,000/- in default to undergo Simple Imprisonment for One Month ii)A1 and A3 are convicted U/s.323 of IPC r/w 3(2)(va) of SC/ST

(POA) Amendment Act 2015 and sentenced to undergo Rigorous

Imprisonment for Six Months each and to pay a fine of Rs.1,000/-each in default to undergo Rigorous Imprisonment for One Month each. iii) A1, A2 and A4 are convicted U/s.506(1) of IPC r/w 3(2) (va) of SC/ST (POA) Amendment Act 2015 and sentenced to undergo Rigorous

Imprisonment for Six Months each and to pay a fine of Rs.1,000/-each in default to undergo Rigorous Imprisonment for One Month each. iv) A1 is convicted U/s.3(1)(r)of SC/ST (POA) Act 1989 and sentenced to undergo Rigorous Imprisonment for One Year and pay a fine of Rs.1,000/- in default to undergo Rigorous Imprisonment for Three Months. v)A1 is convicted U/s.3(1)(s) of SC/ST (POA) Act 1989 and sentenced to undergo Rigorous Imprisonment for One Year and to pay a fine of Rs.1,000/- in default to undergo Rigorous Imprisonment for Three Months. As against the conviction and sentence imposed by the trial

Court, the petitioners have filed an appeal before this Court in
Crl.A(MD)No.713 of

2026. This appeal has been admitted by this court by order dated 02.07.2026. The petitioners along with the appeal has also moved this petition to suspend the sentence.

2.The learned counsel for the petitioners submits that the trial court has suspended the sentence for a period of one month from 19.05.2026 and they have filed this petition along with appeal on 15.06.2026 and it

was numbered and listed on 24.06.2026. He further submits that the witnesses in this case are relatives of the defacto complainant and therefore, they are interested witnesses. There is no independent witness examined in this case. There is a delay of one month in lodging the complaint and no proper explanation is offered for this delay. A4 in this case is a reporter and as such there was dispute between him and the respondent police. Therefore, this case has been foisted as against them. Without considering these, the trial court has convicted the petitioners. The sentence is only for a period of one year. Therefore, the learned counsel prayed that this petition be allowed.

4.The learned Government Advocate submits that the trial court has considered the prosecution evidence and the documents and rightly convicted the petitioners.

5.Notice has been ordered to the defacto complainant and she had entered appearance. 6.This court considered the rival submissions made and perused the material placed on record.

7.The petitioners have been convicted for a period of one year. It is reported that the trial court has suspended the sentence for a period of one month. The petitioners have raised certain arguable points in this petition, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time. Considering the period of sentence imposed on the

petitioners and the grounds raised by the petitioners and that the appeal could not be taken up for final hearing this court is inclined to allow this petition.

8. Accordingly this petition is allowed and the substantive sentence of imprisonment imposed on the petitioners alone is suspended pending disposal of the criminal appeal on the following conditions:

(i) The petitioners are ordered to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand) each 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, Theni.

(ii) The petitioners shall file an affidavit before the respondent police that they will not misuse this liberty and will not indulge in any further offence.

(iii) The petitioners shall stay at Ramanathapuram and report before the Inspector of Police, Ramanathapuram Town Police Station daily at 10.30 am

(iv) If the petitioners violate any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence of imprisonment.
02.07.2026 DSK To 1. The Sessions Judge, Special Court for trial of SC/ST [POA] Act Cases, Theni.

2. The Deputy Superintendent of Police, Periyakulam Sub-Division, Jeyamangalam Police Station, Theni, Theni District. 3. The Inspector of Police, Ramanathapuram Town Police Station. Copy to The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai. B.PUGALENDHI.J., DSK in CrIa(MD)No.713 of 2026
02.07.2026

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