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CRL MP No.2027 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No.2027 of 2025

in

CRL A No.166 of 2025

Arokkiyaraj

..Petitioner(s)

Vs

The State Rep by,
The Inspector of Police,
Udumalpet Police Station,
Tiruppur.
(Cr.No.99 of 2020).

...Respondent(s)

Prayer: Criminal Miscellaneous Petition filed under Section 430 of BNSS, praying to suspend the sentence imposed against the petitioner on 10.10.2023 in SC.No.58 of 2021 by the learned Sessions Court, Mahalir Neethimandram (FTMC), Tiruppur.

For Petitioner:

Mr.P.Pugalenth

For Respondents:

Mr.A.Amarnath,

Counsel for Government of Tamil Nadu
(Criminal Side)



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ORDER

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(Order of the Court was made by Sunder Mohan J.)

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner vide judgement and order dated 10.10.2023 passed in S.C.No.58 of 2021 on the file of the learned Sessions Court, Mahalir Neethimandram (FTMC), Tiruppur, and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner, who is the sole accused, was convicted by the trial Court for the offences under Sections 307 and 302 of the IPC and sentenced as follows:

Offence under Section	Sentence imposed
307 IPC	to undergo life imprisonment and to pay a fine of Rs.5,000/- in default to undergo rigorous imprisonment for one year
302 IPC	to undergo life imprisonment and to pay a fine of Rs.5,000/- in default to undergo rigorous imprisonment for one year.
The sentences were directed to run concurrently.	



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3. Heard the learned counsel for the petitioner and the learned Counsel for Government of Tamil Nadu (Criminal Side) appearing for the respondent/State.

4. It is case of the prosecution that since the deceased and PW1 had warned and threatened the accused that they would lodge a police complaint because of his illegal activities, the accused had decided to do away with the deceased and PW1; that on 02.03.2020, at about 02.00 a.m., when the deceased and PW1 were sleeping in the house, the petitioner threw a hollow block stone on the head of the deceased, who was sleeping outside the house and thereafter, threw a stone on PW1, who was sleeping inside the house; and that the deceased succumbed to the injuries and PW1 sustained grievous injuries.

5. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated; that it is the case of the prosecution that the petitioner was already known to PW1; that in the complaint, PW1 had stated that an unknown person attacked her and the deceased; that



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from the entries of the accident register, it could be seen that PW1 had informed the Doctor that an unknown person attacked her; that PW1 cannot be believed; and that the petitioner has made out a *prima facie* case for suspension of sentence.

6. Heard the learned counsel for Government of Tamil Nadu (Criminal Side), who would submit that PW1 had stated in her complaint that a person, who could be identified, had attacked her; that PW1 had identified the accused in the dock; and since the prosecution has established that the petitioner has caused the death of the deceased and inflicted grievous injuries on the petitioner, no case has been made out for suspension of sentence; and therefore, the petition may be dismissed.

7. We have perused the records.

8. As stated above, PW1 is an injured witness and is stated to be an eye witness to the murder occurrence. In her complaint, PW1 has stated that an unknown person attacked her and the deceased. In the accident register, there are entries to suggest that PW1 informed the Doctor that



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she was attacked by an unknown person. In her deposition, PW1 had named the accused and had specifically stated that she knew the petitioner.

9. It is the specific case of the prosecution that three months before the occurrence, PW1 and the deceased had questioned the petitioner and warned him of action if he did not mend his ways, and that was the motive for the occurrence. Therefore, if PW1 had really seen the petitioner, there is no reason why she had not named the petitioner in the complaint or stated to the Doctor that a known person attacked her and the deceased. That apart, in the cross-examination, she had admitted that she had told the police that she did not witness the attack on her mother-in-law, the deceased. Therefore, PW1's evidence *prima facie* appears to suffer from serious contradictions. The other witnesses are hearsay witnesses.

10. Hence, we are convinced that the petitioner has made out a *prima facie* case for suspension of sentence. Considering the same and the fact that the petitioner is in custody from the date of judgment i.e.,



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10.10.2023 and the appeal is not likely to be taken up in the near future, we are inclined to grant the relief of suspension of sentence to the petitioner herein.

11. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentences imposed on the petitioner are suspended on the following conditions:

- (i) the petitioner shall execute a bond for a sum of Rs.25,000/-, with two independent sureties, each for a like sum to the satisfaction of the learned Sessions Court, Mahalir Neethimandram(FTMC), Tiruppur.
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and 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



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Cr.P.C. 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.

(A.S.M.,J.) (S.M.,J.)
16-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
TSG

Note: Issue order copy on 17.07.2026

To

1. The Inspector of Police,
Udumalpet Police Station,
Tiruppur.
2. The Sessions Court,
Mahalir Neethimandram (FTMC),
Tiruppur.
3. The Superintendent of Prisons,
Central Prison, Coimbatore.
4. The Public Prosecutor,
Madras High Court.



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