



CRL MP No. 3762 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-08-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

**CRL MP No. 3762 of 2025
in CRL A No. 228 of 2025**

Vijai
S/o.Aiyanar,
Voc Nagar, Sanachandiram, Hosur, Krishnagiri.

..Petitioner(s)

Vs

The State Rep By, The Inspector Of Police,
Hosur Police Station, Krishnagiri.
Cr.No.447/2018.

..Respondent(s)

Prayer: Criminal Miscellaneous Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhhita, 2023, praying to suspend the sentence and enlarge the petitioner on bail connected in SC.No.190/2019 on the file of the learned Additional District and Sessions Judge, Hosur, dated 30.01.2025.

For Petitioner(s):

Mr. I. Kabilan
for Mr.P.Ezhil Nilavan

For Respondent(s):

Mr. C.R. Malarvannan,
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 30.01.2025 passed in S.C.No.190 of 2019 on the file of the learned Additional District and Sessions Judge, Hosur and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner, who is the sole accused in the above Sessions Case, was convicted by the trial Court for the offence under Section 302 of the IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for one month.

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

4. (i) It is the case of prosecution that the petitioner had prior enmity with the deceased, since the deceased was a bad influence on his



brothers and he made them consume alcohol and smoke cigarettes; that on 05.09.2018, at 11.00 p.m the petitioner picked up a quarrel with the deceased in front of the shop of PW6, pushed him down, threw a heavy stone on the head of the deceased and thus, caused his death.

(ii) The body of the deceased was found on 06.09.2018 at 1.30 p.m and initially, the case was registered under Section 174 CrPC and thereafter, converted to Section 302 IPC.

5.Mr.I.Kabilan, the learned counsel for the petitioner would submit that the circumstances relied upon by the prosecution was not fully established and do not point only towards the guilt of the petitioner; that the evidence of last seen cannot be believed and in absence of any other circumstances, the impugned judgment is unjustified; and that therefore, the sentence imposed on the petitioner may be suspended.

6.Mr.C.R.Malarvannan, the learned counsel for Government of Tamil Nadu (Crl.Side) *per contra* would submit that the motive has been established and that the evidence of PW4 and PW5 establish that the



deceased was last seen with the petitioner. Therefore, no *prima facie* case is made out for suspension of sentence and prayed for dismissal of the petition.

7. We find on perusal of records that the motive has not been conclusively established by the prosecution. Though PW4 and PW5 are said to have last seen the deceased at 8.30 p.m on 05.09.2018, there are infirmities in their evidence. In any case, except for this circumstance, there are no other circumstances. Hence, we are *prima facie* of the view that the circumstances have not been conclusively established and in any case do not form a complete chain. The petitioner has not made out a *prima facie* case for suspension of sentence.

8. Further, the petitioner is in custody from 30.01.2025 and the appeal is not likely to be taken up in the near future. Therefore, considering all the above facts, we are inclined to grant the relief of suspension of sentence to the petitioner herein.

9. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended on the following conditions:



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- (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 Additional District and Sessions Judge, Hosur.
- (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 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.)
24-08-2026

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

Issue Order Copy Today.

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CRL MP No. 3762 of 2025

**DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.**

ars

To

1. The Additional District and Sessions Judge,
Hosur.

2. The Inspector of Police,
Hosur Police Station, Krishnagiri.

3. The Superintendent of Prisons,
Central Prison, Salem.

4. The Public Prosecutor,
High Court, Madras.

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