

CRL MP No.6484 of 2026
in
Crl.A.No.43 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No.6484 of 2026

in

CRL A No. 43 of 2026

Hema Sagar Naik,
S/o.Nirakar Naik,
Mahalei, Balangir,
Odisha.

...Petitioner/Appellant/
Sole Accused

Vs

State,
Inspector of Police,
Palladam Police Station,
Tiruppur District.
Crime No.589 of 2020.

...Respondent/
Respondent/
Complainant

Prayer : Criminal Miscellaneous Petition filed under Section 430(2) of Bharatiya Nagarik Suraksha Sanhhita, 2023, praying to suspend the sentence in conviction Judgment 18.12.2023 passed in S.C.No.69 of 2023, on the file of the learned Principal Sessions Judge, Tiruppur,

Tiruppur District and enlarge the petitioner on bail pending disposal of the aforesaid appeal No.43/2026.

For Petitioner: Mr.S.Silambuselvan

For Respondent: Mr.C.R.Malarvannan,
Counsel for Government of Tamil Nadu
(CrI.Side)

ORDER

(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* judgment and order dated 18.12.2023 passed in S.C.No.69 of 2023 on the file of the learned Principal Sessions Judge, Tiruppur, Tiruppur District, and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner/sole accused, in the above Sessions Case, was convicted by the trial Court for the offences under Sections 302 and 201 r/w 302 of the Indian Penal Code, and sentenced as follows:

Offence under Section	Sentence imposed
302 IPC	To undergo imprisonment for life and to pay a fine of Rs.2,000/- in default to undergo rigorous imprisonment for three months.
201 r/w 302 IPC	To undergo rigorous imprisonment for seven years and to pay a fine of Rs.2,000/- in default to undergo rigorous imprisonment for three months.
The sentences were directed to run concurrently.	

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. (a) The case of prosecution is that the petitioner and the deceased hailed from Odisha and were employed under P.W.8, viz., Mr.Muthuraman; that on 05.04.2020, a wordy altercation took place between the petitioner and the deceased since the deceased suspected the petitioner of stealing Rs.3000/- (Rupees Three Thousand Only) kept by him; that thereafter on 07.04.2020 at about 12.00 a.m., on account of the said dispute, the petitioner is said to have thrown a stone on the deceased who was sleeping, caused his death and covered the body of the deceased with blankets and threw the body in a pit.

(b). It is the further case of the prosecution that the body of the deceased was found on 11.04.2020, by the Village Administrative Officer/P.W.1, based on the information given by P.W.2; and that thereafter the accused/petitioner was arrested on the confession made by him to P.W.8, his employer.

5. Mr.S.Silambuselvan, the learned counsel for the petitioner would submit that the alleged altercation between the petitioner and the deceased took place even according to the prosecution on 05.04.2020; that the petitioner after the alleged incident was regularly going to work and did not abscond; that the circumstances do not form a complete chain relied upon by the prosecution; and that in any case, the petitioner is custody from 18.12.2023 and since the appeal is not likely to be taken up in the near future, prayed for suspension of sentence.

6. Mr.C.R.Malarvannan, the learned counsel for Government of Tamil Nadu (Crl.Side), *per contra*, would submit that the petitioner gave extra judicial confession to Mr.Muthuraman/P.W.8; that P.W.3, P.W.4, and P.W.5, the neighbours of the petitioner had spoken about the quarrel between the petitioner and the deceased, two days prior to the occurrence;

that on the basis of the confession of the accused, the phone of the deceased and other incriminating materials have been seized and that hence, the petitioner is not entitled for suspension of sentence.

7. The prosecution seeks to establish motive through the evidence of P.W.3 P.W.4 and P.W.5 who have stated about the quarrel between the petitioner and the deceased two days prior to the occurrence. It is seen that the only other circumstance relied upon by the prosecution is the recovery of certain articles on the confession, besides the extra judicial confession made to P.W.8. This confession was allegedly made after the body was recovered. Hence, the reliability or otherwise of this confession requires consideration. It has to be examined in the appeal as to whether the aforesaid circumstances form a complete chain to point out only to the guilt of the petitioner/accused.

8. We are *prima facie* convinced that there are missing links, and the petitioner has made out a case for suspension of sentence. The petitioner has been in custody since 18.12.2023, and the appeal is not likely to be taken up in the near future. Therefore, 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:

- (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 Judicial Magistrate Court, Palladam.
- (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.)
20-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
Issue Order copy by 21.08.2026.

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To

1. The Principal Sessions Judge, Tiruppur,
Tiruppur District.
2. The Judicial Magistrate,
Palladam.
3. The Inspector of Police,
Palladam Police Station,
Tiruppur District.
4. The Superintendent of Prisons,
Central Prison, Coimbatore.
5. The Public Prosecutor,
High Court, Madras.

CRL MP No.6484 of 2026
in
CrI.A.No.43 of 2026
DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.

dk

CRL MP No. 6484 of 2026
in
CRL A No. 43 of 2026

20-08-2026