



WEB COPY



CRL MP No. 4948 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

**CRL MP No. 4948 of 2026
and Crl.A.No.292 of 2026**

1. M.Raj
S/o. Muthal,
Residing at No.50, North Street,
Vanakiri, Nagapattinam - 609 105.
2. T.Bakkiyaraj
S/o. Thangasamy,
Residing at No.96, North Street,
Vanakiri, Nagapattinam - 609 105.

..Petitioner(s)

Vs

The State Rep.by, The Inspector of Police,
Poombhuhar Police Station,
Mayiladuthurai.
Cr.No.48 of 2021.

..Respondent(s)

Prayer: Criminal Miscellaneous Petition filed under Section 430 (1) of BNSS, to suspend the sentence imposed in S.C.No.105 of 2021 vide the Judgment of conviction dated 17.10.2025 passed by the learned District and Sessions Judge, at Mayiladuthurai and to enlarge the petitioners / Appellants / 1st and 2nd Accused on bail pending disposal of the Criminal Appeal No. 292 of 2026.



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For Petitioner(s):

Mr.G.Prabhakaran

For Respondent(s):

Mr. A. Amarnath,
Counsel for Government of Tamil Nadu
(Crl. Side)

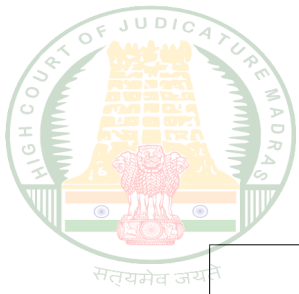
ORDER

(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 petitioners/A1 & A2 vide judgement and order dated 17.10.2025 passed in S.C.No.105 of 2021 on the file of the learned District and Sessions Judge, Mayiladuthurai, and to enlarge the petitioners on bail pending disposal of the appeal.

2. The petitioners who were arrayed as A1 and A2, in the above Sessions Case were convicted and sentenced by the trial Court as follows:

Accused No.	Offence under Section	Sentence imposed
A1	302 r/w 34 IPC	To undergo life imprisonment and to pay a fine of Rs.2,000/- in default to undergo simple imprisonment for three months.
	294(b) IPC	To undergo simple imprisonment for three months
A2	302 IPC	To undergo life imprisonment and to pay a fine of Rs.2,000/- in default



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		to undergo simple imprisonment for three months.
	294(b) IPC	To undergo simple imprisonment for three months
The sentences were directed to run concurrently.		

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

4. The case of the prosecution is that when the deceased was sitting in the Fishermen Community Hall and playing cards, the 1st accused who was his neighbour came there and a wordy altercation took place; that the wife of the deceased [PW1] came to know of the altercation and she along with PW2 rushed to the Community Hall; that thereafter, the 1st accused scolded the deceased and the 2nd accused [nephew of the 1st accused] all of a sudden caught hold of the deceased by his neck and pushed him against the wall, as a result of which, the deceased fell down, became unconscious and succumbed to the injuries later.

5. The learned counsel for the petitioners/A1 & A2 submitted that PW1, PW2, PW3 and PW6, who were examined as eyewitnesses have



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deposed in a parrot-like manner and their version is contrary to the medical evidence on record. He pointed out to the postmortem report and to the evidence of the doctor [PW10] to impress upon us that the deceased was intoxicated and could have suffered the injuries noted by the doctor, due to a fall.

6. The learned Counsel for the Government of Tamil Nadu (Crl.Side) however, would submit that the evidence of ocular witnesses cannot be disbelieved only because there was a discrepancy in the medical evidence; that the witnesses, viz., PW1, PW2, PW3 and PW6 have in a cogent manner stated about the occurrence; and that the petitioners have not made out a *prima facie* case for suspension of sentence.

7. We have perused the records.

8. We find that PW1 is the wife of the deceased. PW2 is her step-son. PW3 and PW6 are neighbours, who are known to the accused and the deceased. Admittedly, no *overt act* has been attributed to the 1st accused. *Prima facie*, there is nothing to suggest that he had the common



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intention to cause the death of the deceased, as even according to the prosecution, there was only a wordy altercation between him and the deceased. Even as regards the 2nd accused, it is seen from the postmortem report that the deceased died due to alcohol intoxication and head injury/spinal injury. In the postmortem report, no external injuries were noted by the doctor. The doctor [PW10] in his cross-examination has stated that if a person under intoxication falls down he is likely to suffer injuries of the nature noted in the postmortem report. Therefore, the medical evidence *prima facie* contradicts the ocular evidence.

9. We find that there are arguable points in the above appeal, which requires consideration. The petitioners are in custody from the date of judgment i.e., 17.10.2025. The appeal is of the year 2026 and it 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 petitioners herein.

10. Accordingly, these criminal miscellaneous petitions stand **allowed** and the sentences imposed on the petitioners are suspended on the following conditions:



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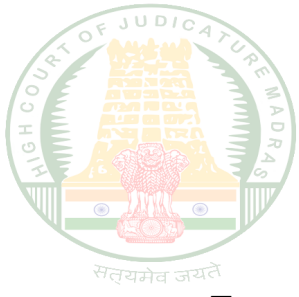
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- (i) Each of the petitioners shall execute a bond for a sum of Rs.25,000/-, with two independent sureties, each for a like sum to the satisfaction of the learned District and Sessions Judge, Mayiladuthurai.
- (ii) The petitioners and the sureties 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 petitioners 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.)
20-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
Issue order copy today.

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To

1. The District and Sessions Judge,
Mayiladuthurai
2. The Inspector of Police,
Poombuhar Police Station,
Mayiladuthurai.
3. The Superintendent of Prisons,
Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court, Madras.



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

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