



CRL MP No. 7630 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-08-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 7630 of 2026

in

CRL A No. 549 of 2026

S.Suresh
S/o. Selvaraj,
No.5/16, Seerappalayam,
Madukkarai, Coimbatore South,
Coimbatore.

..Petitioner/A1

Vs

The State Rep.by, The Inspector of Police,
Madukkarai Police Station,
Coimbatore District.
Cr.No.1478 of 2020.

..Respondent(s)

Prayer: Criminal Miscellaneous Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhhita, 2023, praying to suspend the sentence dated 29.01.2026 in SC.No.67 of 2024 passed by the learned V Additional District and Sessions Judge, Coimbatore, acquit the appellant till the disposal of Criminal Appeal and enlarge the petitioner on bail.

For Petitioner(s): Mr.S.N.Subramani



For Respondent(s): Mr. C.R. Malarvannan,
Counsel for Government of Tamil Nadu
(Criminal 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* judgement and order dated 29.01.2026 passed in S.C.No.67 of 2024 on the file of the learned V Additional District and Sessions Judge, Coimbatore, and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner, who was arrayed as A1 in the above Sessions Case, was convicted by the trial Court for the offence under Section 302 of the IPC and sentenced to undergo imprisonment for life and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for six months.

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.



WEB COPY

4. (i) It is the case of prosecution that the deceased one Sakthivel came to the house of Vadivel (PW1) and asked money for consuming liquor; that since, PW1 refused to lend money, the deceased dragged him by pulling his shirt; that the petitioner, who witnessed the said incident picked up an iron rod and attacked the deceased on his head and caused his death.

(ii) It is the further case of the prosecution that A2, in order to save the petitioner/A1 lodged a false complaint stating that the deceased who was her husband fell down and sustained injuries.

5. Mr.S.N.Subramani, the learned counsel for the petitioner, would submit that none of the witnesses can be believed; that the complaint of the wife of the deceased would clearly establish that the petitioner is not guilty of the offence of murder; and that there is no acceptable evidence adduced by the prosecution to hold the petitioner guilty of the offence.

6.Mr.C.R.Malarvannan, the learned counsel for Government of Tamil Nadu (Crl.Side) *per contra* submitted that though there are minor



discrepancies, the circumstances proved by the prosecution establish the guilt of the petitioner; that A2 who is also found guilty of the offence under Section 201 r/w 302 of the IPC, was released on probation and hence, he prayed for dismissal of the petition.

7. The prosecution had examined a few witnesses, who were related to the deceased and projected them as eyewitnesses. It is the case of the prosecution that PW2 first saw the altercation between the deceased and the petitioner. He deposed that he had not seen the petitioner attacking the deceased on his head and when he first saw the deceased, he was lying near his house with bloodstained injuries on his head. PW1 also would depose that he had not witnessed the occurrence. PW4, PW6 and PW7 turned hostile. The other witnesses are either mahazar witnesses or hearsay witnesses. PW3 and PW5 are the eyewitnesses and sisters-in-law of the deceased. PW5, in the cross examination would state that she had informed PW3 over phone about the occurrence. Hence, there is a doubt with regard to the presence of PW3 in the place of occurrence. That apart, though PW5 would claim that the occurrence was witnessed by her father [PW4] also, PW4 turned hostile



and did not support this version. Therefore, the presence of PW5 in the place of occurrence also becomes highly doubtful. The entries made in the Accident Register when the deceased was first taken to the hospital also has not been marked by the prosecution.

8. Further, in the light of the earliest version given by the wife of the deceased herself that the deceased fell down and sustained injuries, we are of the view that there is a substantial doubt as to whether the deceased sustained injuries and died due to the attack of the petitioner. The petitioner, therefore, has made out a *prima facie* case for suspension of sentence. Further, the petitioner is in custody from 29.01.2026 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:

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two independent sureties, each for a



WEB COPY



CRL MP No. 7630 of 2026

like sum to the satisfaction of the learned V Additional District and Sessions Judge, Coimbatore.

- (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.)
18-08-2026

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

Issue order copy today.

ars



CRL MP No. 7630 of 2026

To

WEB COPY

1. The V Additional District and Sessions Judge,
Coimbatore.
2. The Inspector of Police,
Madukkarai Police Station,
Coimbatore District.
3. The Superintendent of Prisons,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court, Madras.



WEB COPY



CRL MP No. 7630 of 2026

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

ars

**CRL MP No. 7630 of 2026
in
CRL A No. 549 of 2026**

18-08-2026

Page 8 of 8