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CRL MP No. 7298 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

**CRL MP No. 7298 of 2026
in Crl.A.No.198 of 2025**

Rajkumar

..Petitioner(s)

Vs

State represented by,
The Inspector of Police,
Papparapatti Police Station,
Dharmapuri District.
Crime No.200/2018.

..Respondent(s)

Prayer: Petition filed under Section 430(1) of BNSS, 2023, to suspend the sentence imposed by the Additional District and Sessions Judge, Dharmapuri in S.C.No.46 of 2019 dated 27.09.2024 and enlarge the petitioner on bail pending disposal of the above appeal Crl.A.No.198/2025.

For Petitioner(s):

Mr.R.Marudhachalamurthy

For Respondent(s):

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 27.09.2024 passed in S.C.No.46 of 2019 on the file of the learned Additional District and Sessions Judge, Dharmapuri, and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner is the sole accused in the above Sessions Case and he was convicted by the trial Court for the offence under Sections 302, 294(b) and 324 IPC and sentenced as follows;

Offence	Sentence
302 IPC	To undergo imprisonment for life and to pay a fine of Rs.5,000, in default, to undergo 2 years RI
294(b) IPC	To undergo SI for one month and to pay a fine of Rs.1000, in default, to undergo two weeks SI
324 IPC	To under SI for three years and to pay a fine of Rs.1000/-, in default, to undergo six months SI

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



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4. It is the case of the prosecution that on 02.10.2018, the petitioner and his brother one Perumal were quarrelling with each other; that the deceased and PW1 attempted to intervene; that in the process, the petitioner attacked PW1 and the deceased with a wooden stick; that PW1 sustained simple injuries and the deceased, who was attacked on the head, sustained grievous injuries and died on 09.10.2018, at the hospital.

5. The learned counsel for the petitioner submitted that the impugned Judgment is liable to be set aside; that the occurrence did not take place in the manner alleged by the witnesses; that a vital witness, namely the petitioner's brother Perumal was not examined by the prosecution; that PW1, had admitted in the cross-examination that the signature in the complaint Ex.P1 was not his and that he was not aware of the contents of the FIR; that the FIR was registered belatedly; that admittedly, the intimation was received by the police even as early as on 02.10.2018, but the FIR was registered and sent to the Magistrate only on 03.10.2018; that there are several infirmities; and that even according to the prosecution, there was no premeditation to cause the death of the deceased. The learned counsel submitted that his earlier petition for



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suspension of sentence was closed on 25.02.2026 and this Court had observed that it was inclined to take up the main appeal. He would further submit that the main appeal is not likely to be taken up in the near future, and that considering the fact that there are several arguable points in the above appeal and the petitioner is in confinement for almost two years, he prayed for suspension of sentence.

6. The learned counsel for Government of Tamil Nadu (Criminal Side) *per contra* submitted that even if PW1 is disbelieved, there are several eye-witnesses to support the case of the prosecution; that the delay in registration of the FIR is not fatal; and hence, the petitioner has not made out any grounds for suspension of sentence.

7. According to the prosecution, the petitioner and his brother were quarrelling with each other and the alleged occurrence is said to have taken place when PW1 and the deceased tried to intervene. The occurrence is said to have taken place on 02.10.2018 at about 08.30 p.m. There are contradictions as regards the time at which the intimation was sent to the police and there is a delay in the lodging of the FIR.



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8. That apart, PW1, who is the defacto complainant, had admitted that he had not signed in Ex.P1, the complaint and he was not aware of the contents of the FIR. It is well settled that if the FIR is fabricated or brought into existence long after the occurrence, the credibility of the eye-witnesses becomes doubtful. Further, the brother of the petitioner, who is an important witness, was not examined by the prosecution.

9. Therefore, the petitioner has raised substantial grounds, which requires consideration in the above appeal. The appeal is not likely to be taken up in the near future. Considering the above facts and that the petitioner is in custody from 27.09.2024, we are inclined to suspend the sentence imposed on the petitioner.

10. 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 Judicial



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Magistrate, Pennagaram.

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- (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.)
30-07-2026

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

TSG

Note: Issue order copy on 31.07.2026



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To

1.The Inspector of Police,
Papparapatti Police Station,
Dharmapuri District.
Crime No.200/2018.

2. The Additional District and Sessions Judge,
Dharmapuri.

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

4.The Public Prosecutor,
Madras High Court.



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

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