



CRL MP No. 15313 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 15313 of 2025

in CRL A No. 1200 of 2025

Servarayan

S/o. Karuppasamy, Mariamman Street, Vedapatti,
Tuticorin - 628904.

..Petitioner(s)

Vs

The State Rep by, Sub Inspector,
Sulthanpettai Police Station, Sulur,
Coimbatore - 641658.

..Respondent(s)

Prayer: Criminal Miscellaneous Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhhita, 2023, praying to suspend the sentence dated 29/09/2022 passed in Sessions Case No.11/2022 on the file of the learned Sessions Judge of Court of Sessions for Trial of Blast Cases at Coimbatore.

For Petitioner(s):

Mr.M.J.Jaseem Mohamed

For Respondent(s):

Mr.C.R. Malarvannan,
Counsel for Government of Tamil Nadu
(Criminal Side)



WEB COPY



CRL MP No. 15313 of 2025

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 29.09.2022 passed in S.C.No.11 of 2022 on the file of the learned Sessions Judge, Sessions Court for trial of Bomb Blast Cases, Coimbatore, 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 imprisonment for life and to pay a fine of Rs.2,500/- and in default to undergo rigorous imprisonment for one year.

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 petitioner, the deceased one Srikandan and Magudeshwaran, were working as contract labourers under the defacto complainant, who was examined as PW1; that on 07.07.2019, PW2 found the deceased in his land lying with a bleeding injury on his head and informed PW1, the Contractor and PW3, his friend, who took the deceased to the hospital; that the deceased, thereafter, died at the hospital on 11.07.2019; and that a case which was originally registered for the offence under Section 307 of the IPC on 08.07.2019 was altered to Section 302 of the IPC.

5. Mr.M.J.Jaseem Mohamed, the learned counsel for the petitioner, would submit that the alleged occurrence is said to have taken place on 06.07.2019 and the complaint was lodged only on 08.07.2019; that there is no evidence to connect the petitioner with the alleged crime; and that the circumstances projected by the prosecution do not conclusively point out to the guilt of the petitioner. The learned counsel pointed out the evidence adduced by the prosecution in support of his submission and prayed for grant of suspension of sentence to the petitioner.



WEB COPY

6.Mr.C.R.Malarvannan, the learned counsel for Government of Tamil Nadu (Crl.Side) *per contra* would submit that the deceased and the petitioner were living in the same room; that PW7 had seen the deceased and the petitioner having a wordy altercation; that PW2 found the deceased struggling for life with bleeding injuries the next day morning in his land; that thereafter, PW1 had lodged the complaint; and that the prosecution had established all the circumstances to prove the guilt of the petitioner.

7. The case is based on circumstantial evidence. Though PW2 had seen the deceased lying in his land on 07.07.2019 and had informed PW1 the same day, no complaint was lodged till 6.00 p.m. on 08.07.2019. The prosecution seeks to rely upon the circumstances of the deceased and the petitioner last seen together and engaged in a wordy altercation at about 7.00 p.m. on 06.07.2019, the fact that both the petitioner and the deceased were living in the same room and that the petitioner was absconding, thereafter. It is the case of the prosecution that PW7 saw the petitioner and the deceased at 7.00 p.m., at their house. It has to be examined in the



appeal, if the circumstances proved by the prosecution form a complete chain pointing out only to the guilt of the petitioner.

8. We are of the *prima facie* view that there are certain missing links in the chain of circumstances. The petitioner has thus, made out a case for suspension of sentence. Further, the petitioner is in custody from 15.05.2020 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 like sum to the satisfaction of the learned Sessions Judge, Sessions Court for trial of Bomb Blast Cases, 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



WEB COPY



CRL MP No. 15313 of 2025

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.)
19-08-2026

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

Issue Order Copy Today.

ars



CRL MP No. 15313 of 2025

To

WEB COPY

1. The Sessions Judge,
Sessions Court for trial of Bomb Blast Cases,
Coimbatore.
2. The Sub Inspector of Police,
Sulthanpettai Police Station,
Sulur, Coimbatore – 641658.
3. The Superintendent of Prisons,
Open Air Jail Singanallur, Coimbatore.
4. The Public Prosecutor,
High Court, Madras.



WEB COPY



CRL MP No. 15313 of 2025

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

ars

**CRL MP No. 15313 of 2025
in CRL A No. 1200 of 2025**

19-08-2026

Page 8 of 8