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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL MP No. 10627 of 2026
IN
CRL A NO. 751 OF 2026

P.Mohanraj
S/o Pandiyan,
N.K. S V Nagar,
Kumarakuppam,
Vallavanur, Villupuram,
Tamil Nadu – 605 108.

..Petitioner(s)/A1

Vs

The State Rep By,
The Inspector of Police,
Vallavanur Police Station,
Villupuram,
Tamil Nadu – 605 108.
(Crime No.58 of 2021)

..Respondent(s)

CRL A No. 751 of 2026

P.Mohanraj
S/o Pandiyan,
N.K. S V Nagar,
Kumarakuppam,
Vallavanur,
Villupuram.

..Appellant(s)

Vs

The State Rep By, The Inspector of Police
Vallavanur Police Station,
Villupuram.
Crime No.58 of 2021

..Respondent(s)

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Prayer: Criminal Miscellaneous Petition filed under Section 430(2) of BNSS, 2023, praying to suspend the sentence passed by the learned Sessions Judge, Magalir Needhi Mandram (Fast Track Mahila Court) at Villupuram, in S.C.No.109 of 2022, judgment dated 09.06.2026 and he may be enlarged on bail till the disposal of the above said Appeal.

For Petitioner(s): Mr.S.Vijayaraghavan

For Respondent(s): Mrs.Sharada Vivek,
Government Advocate (Crl. Side)

Order

The petitioner/A1 in S.C.No.109 of 2022 was convicted by the trial Court by the judgment dated 09.06.2026 and sentenced to undergo two years rigorous imprisonment and to pay the fine amount of Rs.2,000/- for the offence under Section 324 of I.P.C. and sentenced to undergo five years rigorous imprisonment and to pay the fine amount of Rs.5,000/- for the offence under Section 325 of I.P.C. Aggrieved against the said conviction, the petitioner has preferred the above appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.

2. The learned counsel for petitioner submitted that in this case, there are totally four accused. Since one of the accused was a Juvenile, the case against him got split up and he was proceeded before the Juvenile Justice Board. The case against the other three persons, namely, A1 to A3 proceeded in S.C.No.109

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of 2022. As regards the petitioner is concerned, he was charged for offence under Sections 294(b), 354, 307, 304(ii) and 506(i) of I.P.C. The trial Court acquitted the petitioner of the above charges but convicted the petitioner for offence under Sections 324 and 325 of I.P.C. He further submitted that two incidents have been projected against the petitioner. One is on 19.01.2021 and another is on 20.01.2021. For the incident occurred on 19.01.2021, the petitioner is said to have picked up a quarrel with PW1/ de facto complainant and his sister and attacked them using stone, wooden stick and iron pipe. Following the same, on 20.01.2021, when PW1 and PW4 were near a bus stand, the petitioner along with three others said to have again picked up a quarrel and attacked PW1 on his head with wooden log/M.O.1 and also PW4.

3. The learned counsel further submitted that with regard to the incident occurred on 19.01.2021, the death of PW1's sister, Devaki was found to be due to medical negligence and not by the attack of the petitioner. Further the Doctor/PW15, who treated Devaki, confirmed that she sustained an injury on her right hip and a rod was implanted in her thigh bone, due to which, there was some medical complications. The post-mortem Doctor also confirmed the same. Hence, for the charge under Section 304(ii) I.P.C. arising out of the incident dated 19.01.2021, the petitioner was acquitted. As regards the second incident on 20.01.2021, the other two accused, namely, A2 and A3, who were similarly placed as the petitioner, were acquitted. With regard to two other witnesses,

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who had taken the victim to the hospital not supported the case of the prosecution. Though the occurrence is said to have taken place in a public place near bus stand, except PW1 and PW4, no other witness has spoken about the occurrence. The Doctor, who treated PW1 stated that at about 09.00 a.m. on 20.01.2021, he was attacked, brought to the hospital informing that he was attacked by known persons on his forehead with a wooden log. He further submitted that in this case, the wooden log recovered from PW1 nearly after six months. Hence, the use of weapon not proved. In this case, on similar set of evidence, the case against A2 and A3 found to be disproved, the same principle applies to the petitioner also, which was not considered by the trial Court. Hence, prays to suspend the sentence of the petitioner.

4. The learned Government Advocate (Crl. Side) strongly opposed the petitioner's contention and submitted that PW1 lodged a complaint on 20.01.2021 alleging that he was attacked by the petitioner and two others. The attack was about 9.00 a.m.. They were immediately taken to the Public Health Centre, Valavanur, where casualty Doctor treated the victim/PW1 and recorded the injury sustained in the Accident Register. This was at 10.00 a.m., there is no delay. Thereafter, the case was registered. During investigation, it was found that on the previous day, there was an attack by the petitioner on PW1 and his sister Devaki. Hence, clubbing both incidents, charge sheet filed. She further submitted that during trial, PW1 to PW22 examined, Exs.P1 to P24

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marked and M.O.1 to M.O.6 produced. In this case, as regards the incident of 20.01.2021, the petitioner using M.O.1, assaulted PW1 on his forehead, which was spoken to by the Doctor/PW10 through Ex.P2. He further submitted that in this case, the local witnesses, PW6 and PW7 not supported the case of the prosecution. The other material witnesses confirmed the prosecution case and the Doctor also confirmed the injury sustained by PW1. Considering all these aspects, the trial Court had rightly convicted the petitioner.

5.Considering the submissions made and on perusal of the materials, it is seen that in this case there are totally four accused. One of the accused found to be a juvenile, hence, the case against him got split up and the case proceeded against A1 to A3. The co-accused/A2 and A3 acquitted from the case and the petitioner alone was convicted for offence under Sections 324 and 325 of I.P.C. In this case, admittedly, M.O.1 recovered at the instance of PW1, that too, after six months. The injury sustained is a lacerated injury on the forehead and nothing more. With regard to the earlier incident on 19.01.2021, the petitioner was acquitted. Further there are arguable points involved in this appeal and it would take some time for the appeal to be taken up for final hearing, hence, this Court is inclined to suspend the sentence imposed on the petitioner.

6. Accordingly, the substantive sentence of Imprisonment imposed on the petitioner is suspended till the disposal of the appeal and he is ordered to be

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enlarged on bail, on condition that he shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the trial Court.

7. Further, the petitioner shall appear before the Trial Court once in three months on the first working day at 10.30 a.m., until the disposal of the appeal and if he is not able to appear before the Trial Court on that day, he 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 his absence as directed by the Trial Court.

8. Accordingly, this Criminal Miscellaneous Petition is ordered.

13-07-2026

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

RSI

Note: Issue order copy on 13.07.2026.

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To

1.The Sessions Judge,
Magalir Needhi Mandram (Fast Track Mahila Court)
at Villupuram.

2.The Inspector of Police
Vallavanur Police Station,
Villupuram.

3.The Superintendent of Prison,
Central Prison, Cuddalore.

4.The Public Prosecutor,
High Court, Madras.

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