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CRL MP No. 11794 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL MP No. 11794 of 2026

AND

CRL A NO. 817 OF 2026

Anbukumar
S/o.Ramu,
Sadasiva Vattam,
Sunnambu Pallam,
Vaniyambadi Taluk,
Tirupattur District.

..Petitioner(s)

Vs

State represented by
The Inspector of Police
Alangayam Police Station,
Tirupattur District.
Crime No.126 of 2013

..Respondent(s)

CRL A No. 817 of 2026

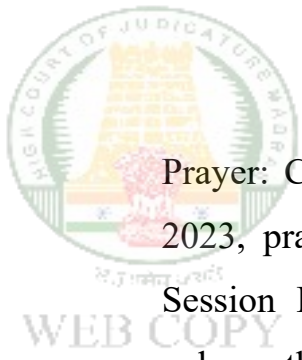
Anbukumar
S/o.Ramu,
Sadasiva Vattam,
Sunnambu Pallam,
Vaniyambadi Taluk,
Tirupattur District.

..Appellant(s)

Vs

State represented by The Inspector of Police
Alangayam Police Station,
Tirupattur District.
Crime No.126 of 2013

..Respondent(s)



Prayer: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, 2023, praying to suspend the sentence in S.C.No.51 of 2024 on the file of Session Division of Tirupattur District by judgment dated 09.10.2025 and enlarge the petitioner on bail, pending disposal of the above Criminal Appeal and thus render justice.

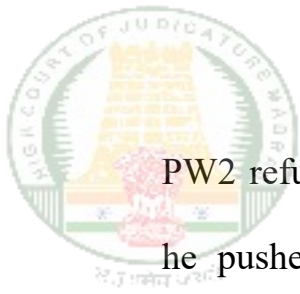
For Petitioner(s): Mr.M.Vignesh

For Respondent(s): Mr.Durai Gunasekaran
Government Advocate (Crl. Side)
Assisted by Mr.M.Arul Raj

ORDER

The petitioner/A1 in S.C.No.51 of 2024 was convicted by the Trial Court by the judgment dated 26.09.2025, for offence under Sections 454(1) and 326 of I.P.C. and sentenced to undergo ten years rigorous imprisonment and to pay a fine amount of Rs.10,000/-, in default, to undergo three months simple imprisonment for the offence under Section 454(1) of I.P.C. and sentenced to undergo ten years rigorous imprisonment and to pay a fine amount of Rs.2,00,000/-, in default, to undergo three months simple imprisonment for the offence under Section 326 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 the petitioner submitted that in this case the petitioner, starving for food, went to the house of PW2/victim seeking food.



PW2 refused food and used abusive words which infuriated the petitioner and he pushed PW2 against the wall, thereby, she sustained injury. PW3, the neighbour, on hearing the commotion, went to PW2's house and found PW2 lying injured. Immediately, she informed to PW1, the son of PW2. PW1 came there and took the victim/PW2 to the hospital. He further submitted that though the petitioner/A1 along with A2 was initially charged for offences under Section 454(2), 394, 392 r/w 397 of I.P.C., the trial Court acquitted A2 and convicted the petitioner/A1 for offence under Sections 454(1) and 326 of I.P.C. In this case, the alleged 5 sovereigns of gold jewels, which is said to be taken from PW2, is shown as a recovery from the mother of A2. The trial Court finding that robbing of chain and recovery unbelievable, acquitted the petitioner/A1 for offence under Sections 394, 392 r/w 397 of I.P.C. but convicted him for offence under Sections 454(1) and 326 of I.P.C. He further submitted that in this case, for the offence under Sections 454(1) and 326 I.P.C, the maximum sentence imposed is not proportionate to the overt act of the petitioner. The petitioner a nearby resident of PW2. He was only seeking food due to his starvation and nothing more. But the Trial Court without considering these aspects, though acquitted A2, imposed the maximum sentence to the petitioner. He further submitted that the petitioner has no bad antecedents. Hence, prayed for granting suspension of sentence to the petitioner.



3. The learned Government Advocate (Criminal Side) strongly opposed the petitioner's contention and submitted that in this case on 26.02.2013 at about 3.00 p.m., the de facto complainant/PW1 lodged a complaint to PW8 stating that when he and his wife were at an electrical shop, he received a message from PW3 that somebody trespassed into his house and assaulted his mother. PW1 immediately rushed to his house and saw his mother/PW2 lying in an unconscious state, her face and head wrapped tightly with shawl, with visible bloodstains on her nose, head and cheeks. PW2 was in a shock and unable to speak and she communicated through gestures. Thereafter, PW2 was taken in an Ambulance and admitted to Government Hospital. The victim regained consciousness on 28.02.2013 and informed that when she opened the house door, the petitioner was sitting near the washing machine and asked for food, at that time he wrapped a shawl around victim's face using her shawl and also banged her head against the wall and took away 5 sovereigns of gold jewels, which was kept in the house. Hence, complaint lodged and a case in Crime No.126 of 2013 registered for offence under Sections 392 and 397 of I.P.C. On completion of investigation, charge sheet filed. He further submitted that during trial, PW1 to PW10 examined and Exs.P1 to P10 marked and M.O.1 to M.O.3 produced. During trial, PW2 identified the petitioner and the recovery was proved. The Doctor/PW6, who issued Ex.P8/Accident Register with Wound certificate confirmed the injury sustained. The trial Court on the evidence of PW2 and the Doctor/PW6 had rightly convicted the petitioner/A1 for offence



up for final hearing, this Court is inclined to suspend the sentence imposed on the petitioner.

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

6. 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.

7. On breach of any of the aforementioned conditions, the learned Trial Judge is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by herself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala** [(2005) 13 SCC 5560].



8. Accordingly, this Criminal Miscellaneous Petition is ordered.

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06-08-2026

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

Note: Issue order copy on 06.08.2026.

To

- 1.The District and Sessions Judge,
Sessions Division of Tirupattur District.
- 2.The Judicial Magistrate No.III,
Tirupattur.
- 3.The Inspector of Police
Alangayam Police Station,
Tirupattur District.
- 4.The Superintendent of Prison,
Central Prison, Vellore.
- 5.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.

RSI

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