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CRL MP No. 13052 of 2026

in

CRL A No. 892 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP No. 13052 of 2026

in

CRL A No. 892 of 2026

John @ Janagiraman

Appellant(s)

Vs

The State rep by
The Inspector of Police,
Shevapet, Salem District,
Crime No.15 of 2022.

Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, to suspend the sentence imposed on the petitioner in S.C.No.215 of 2022 on the file of The Sessions Judge, Mahalir Neethimandram, Salem, by judgment dated 22-6-2026, pending disposal of the criminal appeal before this Court.

For Appellant(s): Mr.B.Vasudevan

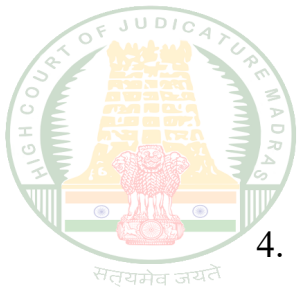
For Respondent(s): Mr.Durai Gunasekaran
Government Advocate (Crl. Side)
Assisted By Mr.M.Arul Raj

**ORDER**

This Criminal Miscellaneous Petition has been filed seeking suspension of the sentence imposed on the petitioner in S.C.No.215 of 2022 on the file of The Sessions Judge, Mahalir Neethimandram, Salem, by judgment dated 22.06.2026, pending disposal of the criminal appeal before this Court.

2. The petitioner/accused was convicted by the trial Court in S.C.No.215 of 2022, by judgment dated 22.06.2026, and was sentenced to undergo simple imprisonment for a period of one year and to pay a fine of Rs.500/-, in default to undergo simple imprisonment for a further period of 3 months for offence under Section 324 IPC.

3. The case of the prosecution is that, on 13.01.2022, at about 8.50 a.m., the de facto complainant, who is the estranged second wife of the petitioner, was proceeding to her work by walk. When she was near Jegathambal Auto Solution at Ambedkar Street, Mulluvadi, the accused/petitioner restrained her and questioned why she was not living with him. A wordy altercation arose and the petitioner took out a folded knife from his hip and stabbed her on the left side of her stomach, left jaw and right thumb finger and left index finger. She was immediately taken to the Government General Hospital, Salem, for treatment, following which, the respondent police registered a case.



WEB  jurisdictional Court.

4. Upon completion of the investigation, charge sheet filed before the

5. During trial, the prosecution examined PW.1 to P.W.11 and marked Exs.P1 to P14 and produced PM.O.1 (knife). On completion of trial, the trial Court convicted the petitioner as stated above.

6. The learned counsel for the petitioner submitted that the petitioner and the de facto complainant are husband and wife. Due to some misunderstandings living separately. According to the petitioner, the de facto complainant wanted to lead a life of her own, further not permitting petitioner to meet his son and daughter. The petitioner alleged to have stabbed the de facto complainant, as a result of which she sustained grievous injuries. Apart from the de facto complainant, the other main witness PW2, not supported the prosecution case and the medical evidence contra to the ocular evidence.

7. The learned counsel for the petitioner further submitted that the de facto complainant is the estranged wife of the petitioner and that the occurrence arose due to matrimonial dispute. The petitioner's wife PW1 gave a exaggerated version contrary to the facts of the case, the trial Court though



found contradictions in PW1 evidence but had given a moral conviction. The trial Court already suspended the sentence imposed on the petitioner till 21.07.2026.

8. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that in this case, the de facto complainant is none other than the wife of the petitioner. There was a matrimonial discord and both living separately. The children are with the de facto complainant. On the day of occurrence when de facto complainant was going for job, she was restrained in public road and she was stabbed on her stomach, face and other parts, immediately she was taken to Government Hospital, timely medical intervention she would be saved. Medical evidence confirmed the overtact of the petitioner. During trial P.W1 to P.W11 examined, Exs.P1 to P14 marked and M.O.1 produced. The trial Court on the evidence and materials rightly convicted the accused. He fairly submitted that the sentence of the petitioner suspended by the trial Court.

9. Considering the fact that there are arguable points involved in this appeal and it would take some time for the appeal to be taken up for final hearing and the sentence of imprisonment imposed on the petitioner already suspended by the trial Court till 21.07.2026, this Court is inclined to suspend the

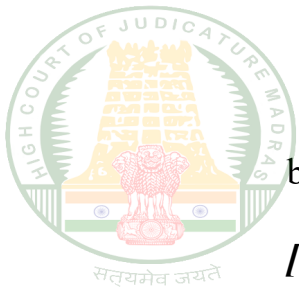


sentence imposed on the petitioner.

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10. In view of the above, the sentence of imprisonment imposed on the petitioner is suspended and the petitioner is to be enlarged on bail, pending disposal of the appeal, subject to the following conditions:-

- (i) The petitioner/Appellant 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 learned Sessions Judge, Mahalir Neethimandram, Salem.
- (ii) The Petitioner/Appellant and the sureties shall affix their photographs and Left Thumb Impressions 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/Appellant shall appear before the trial Court once in every three months on the first working day at 10.30 a.m., without fail, until further orders;
- (iv) On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down



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by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala***

[(2005)AIR SCW 5560].

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11. Accordingly, the Criminal Miscellaneous Petition is ordered.

23-07-2026

Jd

Neutral Citation: Yes/No

To

1. The Sessions Judge, Mahalir Neethimandram, Salem.

2. The Inspector of Police,
Shevapet, Salem District,
Crime No.15 of 2022.

3. The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR J.
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