



WEB COPY

CRL MP No. 14166 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 17-08-2026**

CORAM

**THE HON'BLE MR JUSTICE M. NIRMAL KUMAR**

**CRL MP No. 14166 of 2026**

**in**

**CRL A NO. 956 OF 2026**

Anaiyappan  
S/o. Ganapathi,  
Door No.150, Middle Street,  
Thammampatti Post,  
Gangavalli Taluk,  
Salem District.

..Petitioner(s)

Vs

The State Rep by  
The Inspector of Police,  
Thammampatti Police Station,  
Salem District.  
Crime No.162 of 2018.

..Respondent(s)

**CRL A No. 956 of 2026**

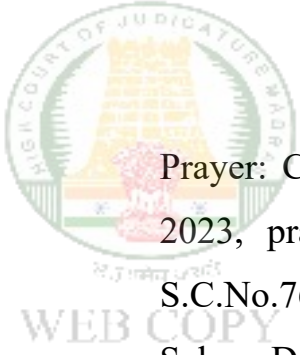
Anaiyappan  
S/o. Ganapathi,  
Door No.150, Middle Street,  
Thammampatti Post,  
Gangavalli  
Taluk,  
Salem District.

..Appellant(s)

Vs

The State Rep by The Inspector of Police  
Thammampatti Police Station,  
Salem District.  
Crime No.162 of 2018.

..Respondent(s)



Prayer: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, 2023, praying to suspend the sentence imposed against the petitioner in S.C.No.76 of 2019 on the file of the learned Assistant Sessions Judge, Attur, Salem District dated 10.07.2023 and enlarge the petitioner on bail pending disposal of the said Criminal Appeal on the file of this Court.

For Petitioner(s): Mr.E.Kannadasan

For Respondent(s): Mrs.Sharada Vivek,  
Counsel for Government of Tamilnadu (Crl. Side)  
Assisted by Mr.M.Arul Raj

### **Order**

The petitioner/Accused in S.C.No.76 of 2019 was convicted by the Trial Court, by the judgment dated 10.07.2023, for the offence under Sections 294(b), 307 and 506(ii) of I.P.C. and sentenced to undergo three months rigorous imprisonment for the offence under Section 294(b) of I.P.C., sentenced to undergo seven years rigorous imprisonment and to pay a fine amount of Rs.5,000/-, in default, to undergo one month simple imprisonment, for the offence under Section 307 of I.P.C. and sentenced to undergo two years rigorous imprisonment for the offence under Section 506(ii) of I.P.C. The sentences were ordered to be run concurrently. 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 the petitioner and the victim/PW1 are adjacent land owners. Prior to the occurrence, there was a dispute between them with regard to a Tree. PW1 encroached upon about four feet of the petitioner's land. In this regard, a police complaint lodged earlier. Further, when the petitioner requested PW1 to survey the land, PW1 refused and informed that he would make arrangement for the surveyor to resolve the dispute but failed to do so. PW1 admits that on the date of occurrence, petitioner was shredding the branches of Neem tree, which was on the boundary line between the petitioner's and the victim's land and the shredded branches were collected by the petitioner's wife. In such circumstances, there was no necessity for the petitioner to run to his house, bring a spear and use the same to attack the victim. According to the petitioner, it was the victim/PW1, who had spear and attempted to attack the petitioner, which resulted in a scuffle between them, during which the victim sustained injuries, which is now being projected against the petitioner.

3. The learned counsel further submitted that in this case, the victim took treatment at three hospitals, namely, Thammampatti Government Hospital, thereafter at Attur Government Hospital and finally at Salem Government Hospital. Except for PW10, the Doctor at Attur, no other Doctors examined. The wound certificate/Ex.P10 states that the injury was grievous in nature, however, the description of the injuries not given. Further nowhere the Doctor



states that the injury could lead to death. It is admitted that there was a civil dispute between the petitioner and victim and they have been fighting for years.

On the spur of the moment, the attack had taken place. Further the other witnesses, PW2, PW3, PW4, PW6 and PW7 are the relatives of the victim, who were residing kilometers away but they were projected as eyewitnesses and their evidence is also contradictory to each other. In any event, the conviction of the petitioner under Section 307 is not sustainable. Hence, he prayed to grant bail to the petitioner.

4.The learned counsel for Government of Tamilnadu (Criminal Side) submitted that the case of the prosecution is that the De-facto Complainant is a peasant and owns 21½ acres of agricultural land. The petitioner is an adjacent landowner and there was a dispute between them in respect of the boundary of their respective lands, resulting in hostility between them. On 26.08.2018, at about 04.15 p.m., while the De-facto Complainant was engaged in cattle rearing in his land at Sentharapatti, Gangavalli Taluk, the petitioner claimed a right over a Neem tree standing on the boundary line and attempted to cut the same. When the De-facto Complainant questioned the act of the petitioner, the petitioner abused him in a filthy Language and beat him with his hand. Thereafter, the petitioner went to his house, fetched the Kuthukol and forcibly stabbed the De-facto Complainant on the left side of his chest, causing a grievous injury with the intention and knowledge of causing his death. Thereafter, the petitioner



fled from the scene of occurrence. Thus, the petitioner committed the offences punishable under Sections 294(b) and 307 of the IPC. In the course of the same transaction, the petitioner also criminally intimidated P.W.1 by threatening him with death, thereby committing an offence punishable under Section 506(ii) of the I.P.C. Hence, the case.

5.The learned counsel for Government of Tamilnadu further submitted that, based on the above complaint, a case was registered at Thammampatti Police Station, Salem District, in Crime No.162 of 2018 under Sections 294(b), 506(ii) and 307 of the IPC against the petitioner on 26.08.2018 at about 17.15 hours by the then Inspector of Police, who took up the case for investigation. After completion of investigation, charge sheet filed before the Trial Court. The Trial Court framed charges against the petitioner for the offences punishable under Sections 294(b), 307 and 506(ii) of the IPC. During the course of trial, the prosecution examined P.W.1 to P.W.11, marked Ex.P1 to Ex.P10, and produced one material object, MO.1-Kuthukol. On the defence side, no witnesses examined, no exhibits marked and no material objects produced.

6.She further submitted that in this case on conclusion of the trial, the Trial Court convicted the petitioner for the offences under Sections 294(b), 307 and 506(ii) of I.P.C. The petitioner used a spear and inflicted a stab injury on the left chest of the victim/PW1. The metal portion of the spear broke and it was stuck in the victim's chest. The victim was initially taken to Thammampatti



Government Hospital, where the metal portion could not be removed.

Thereafter, he was taken to Attur Government Hospital, where the same was removed by surgery and for further treatment, he was sent to Salem Government Hospital. Had the spear penetrated further, it would be an instant death of the victim. Apart from the injured victim, there are other eyewitnesses, who had clearly stated about the petitioner causing the injury. The medical evidence is also confirms the same. Hence, she prayed to dismiss the petition.

7.Considering the submissions made and on perusal of the materials, it is not in dispute that the petitioner and the victim/PW1 are adjacent land owners. There exists a civil dispute and PW1 admits that the petitioner shredded the branches of the Neem tree and petitioner's wife collected the shredded branches. The petitioner had an Aruval with him during the pruning work, thereafter the petitioner running to his house, which is half kilometer away, collecting spear, coming and causing stab injury, is highly doubtful. The victim suffered stab injury, which was confirmed by the medical evidence. The spear is normally used by an agriculturist. Prior to the attack, there was a wordy quarrel. In any event, the conviction of the petitioner under Section 307 of I.P.C. requires reconsideration.

8.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.

9. 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.

10. 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].

11. Accordingly, this Criminal Miscellaneous Petition is ordered.

**17-08-2026**

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

Note: Issue order copy on 17.08.2026.



CRL MP No. 14166 of 2



**M.NIRMAL KUMAR J.**

**RSI**

To

WEB COPY

1.The Assistant Sessions Judge,  
Attur.

2.The Judicial Magistrate No.II,  
Attur.

3.The Inspector of Police  
Thammampatti Police Station,  
Salem Ditriect.

4.The Superintendent of Prison,  
Central Prison, Salem.

5.The Public Prosecutor,  
High Court, Madras.

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