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CRL MP No. 13488 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-08-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 13488 of 2026

AND

CRL A NO. 1044 OF 2022

Thirunavukarasu
S/o.Natarajan,
No.5/20, Bavaji Nagar,
2nd Street, Thiruvannamalai.

..Petitioner(s)

Vs

The Inspector of Police
Thiruvannamalai Town Police Station,
Crime No.245/2014
Thiruvannamalai and Thiruvannamalai District.

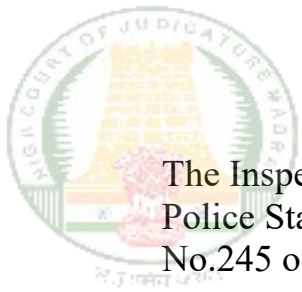
..Respondent(s)

CRL A No. 1044 of 2022

1. Thirunavukarasu
S/o.Natarajan, No.5/20, Bavaji Nagar, 2nd Street,
Tiruvannamalai.
2. Prabhu
S/o.Kunjuthabhatham, No.7/11, Bavaji Nagar,
2nd Street, Thiruvannamalai.
3. Driver Seenu @ Seenuvasan
S/o.Urgandi, No.74/13, Bavaji Nagar, 2nd Street,
Thiruvannamalai.

..Appellant(s)

Vs



The Inspector of Police, Thiruvannmalai Town
Police Station, Thiruvannamalai District. (Crime
No.245 of 2014).

..Respondent(s)

Prayer in CRL MP No. 13488 of 2026: Criminal Miscellaneous petition filed under Section 389(1) of Cr.P.C., 430 (1) of BNS to suspend the sentence imposed upon the Appellant by the Principal District and Sessions Judge, Thiruvannamalai, in S.C.No.60 of 2015 by judgment dated 16.08.2022 and enlarge the petitioner herein on bail pending disposal of the appeal No.1044/22 and thus render justice.

Prayer in CRL A No. 1044 of 2022: Criminal Appeal filed under Section 374(2) of Cr.P.C. to allow the above appeal and set aside the conviction and sentence imposed upon the appellants vide judgment dated 16.08.2022 in SC.No.60 of 2015 on the file of the Principal District and Sessions Judge, Thiruvannamalai and acquit and direct the trial court to refund the fine amount in the interest of justice.

CRL MP No. 13488 of 2026

For Petitioner(s): Mr.S.Venkat for Mr.G.Mohana Krishnan

For Respondent(s): Mr. A. Amarnath

Counsel For Government Of Tamil Nadu
(Criminal Side)

Order

(Order of the Court was made by Dr.Anita Sumanth J.)

This is a petition seeking suspension of sentence of one Thirunavukarasu, who was the first accused in Crime No.245 of 2014. The petitioner, along with three others had been found guilty and convicted for alleged offences under



Sections 307 and 302 IPC and sentenced to undergo life imprisonment with fine along with other sentences by judgment of the Principal District and Sessions Judge, Thiruvannamalai dated 16.08.2022. He is in jail from that date onwards.

2. A2 had approached this Court in Crl.M.P.No.16015 of 2022 and by order dated 21.02.2023, this Court has suspended the sentence on the ground that there was a substantial delay between the alleged occurrence which was on 17.05.2014 at about 00.50 hours and the registration of the First Information Report (FIR) on 18.05.2014 which was at 12.00 noon, with a delay of 36 hours.

3. The suspension of sentence of A2 has been taken note of by this Court in its order dated 12.10.2023 passed in Crl.M.P.Nos.5458 and 5463 of 2023 that had been filed by A1, the petitioner before us and A4. The Bench following the reasoning in the order passed on 21.02.2023 had suspended the sentence in the case of A4, also finding that the overt act attributed to him was insignificant.

4. However, as far as A1 was concerned, they found that the overt act attributed to him, related to an attack on the deceased on the side of his neck with a knife and hence, at that juncture, did not deem it appropriate to suspend the sentence. A3 died during trial.

5. In light of the aforesaid narration, learned counsel for the petitioner would argue that the reasoning in order dated 21.02.2023 would equally apply



to the petitioner before us, particularly seeing that he is in incarceration for almost 4 years. In fact, on the same reasoning the sentence of two of the co-accused, i.e., A2 and A4 have already been suspended much earlier.

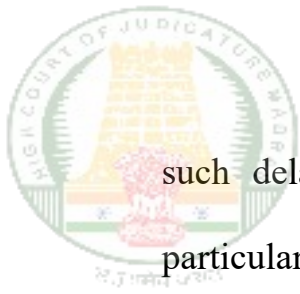
6. Learned counsel for the Government of Tamil Nadu (Criminal Side) would reiterate that the overt act attributed to the petitioner was one that had found to be serious by this Court earlier and hence the suspension sought for ought not to be granted.

7. Having heard both learned counsel, our decision is as under:

The facts in relation to the alleged incident have been captured at paragraph 3 of order dated 12.10.2023, which we extract below:

'3.The case of the prosecution is that the deceased was running a petty shop at his house. The deceased and his son Madheswaran used to object to persons who come to consume alcohol near the petty shop of the deceased. While so, when A1 and A2 were consuming liquor near the petty shop of the deceased on 16.05.2014, the deceased protested. The case of the prosecution is that due to such enmity, A1 & A2 came to the house of the deceased again on 17.05.2014 at about 00.50 hours and the first accused started attacking him with a knife on the right side chest, under the rib cage and abdomen of the deceased. Though the son of the deceased tried to stop the attack, the prosecution version shows that he was restrained by the second accused and the first accused attacked him also on the backside of neck with the knife.....'

8. As far as the delay is concerned, we, prima facie, find that the same would enure to the detriment of the prosecution. Since one of the accused in this matter has been granted suspension of sentence on the very same ground,



such delay would enure to the benefit of the present petitioner as well, particularly seeing as he has been in incarceration for nearly 4 years.

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9. It is also relevant to note that the appeal being of the year 2022 is not likely to be taken up immediately for final hearing and this is also a reason that would persuade us to suspend the sentence.

10. In light of the aforesaid discussion, this Court is inclined to suspend the sentence imposed on the petitioner herein. Accordingly, this Criminal Miscellaneous Petition stands allowed and the sentence of imprisonment 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 sureties, of whom, one should be a blood relative, for a like sum to the satisfaction of the learned Judicial Magistrate I, Thiruvannamalai;

(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 Aadhar Card or Bank Pass Book and mobile number to ensure their identity;

(iii) The petitioner shall appear before the trial Court on the first working day of every week at 10.30 a.m, until the disposal of the appeal and if he is not able to appear before the trial Court on any 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.

(A.S.M.,J.) (S.M.,J.)

07-08-2026

sl

Index: Yes/No

Speaking order

Neutral Citation: Yes

Note to Registry: Issue Today

To

1. The Inspector of Police
Thiruvannamalai Town Police Station,
Crime No.245/2014
Thiruvannamalai and Thiruvannamalai District.
2. The Judicial Magistrate I, Thiruvannamalai.
3. The Superintendent of Prison, Central Prison, Vellore.
4. The Public Prosecutor, High Court, Madras.



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CRL MP No. 13488 of 2



DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

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