



WEB COPY

CRL MP No. 1398 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-08-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 1398 of 2025
in CRL A NO. 131 OF 2025

Chinnadurai
S/o. Manickam,
Parai Kadu, Mangalam Village,
Tiruchengode Taluk, Namakkal District.

..Petitioner

Vs

The State Rep.By, The Inspector Of Police,
Mallasamudram Police Station, Tiruchengode Taluk,
Namakkal District.(Crime No.204/2017)

..Respondent

Prayer in CRL MP No. 1398 of 2025:Criminal Miscellaneous petition filed
under Section 430 of BNSS to suspend the sentence and conviction imposed on
the petitioner by the Honble 2nd Additional District and Sessions Court,
Tiruchengode in Sessions Case No.104 of 2018 by Judgment dated 18.11.2024.

For Petitioner(s): Mr.S.Sathyaraj

For Respondent(s): Mr.C.R.Malarvannan
Counsel For Government Of Tamil Nadu
(Criminal Side)



ORDER

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

WEB COPY

The petitioner has sought suspension of sentence imposed under order of the II Additional District and Sessions Judge, Tiruchengodu on 18.11.2024.

2. The case of the prosecution is that the deceased, one Palaniappan and the petitioner, were neighbours. There was a long standing enmity between their families based on a pathway dispute.

3. On 13.08.2017 at about 8.30 p.m, according to prosecution, the petitioner abused the wife of the deceased and assaulted her. While the son of the deceased and the deceased tried to protect her from further assault, the petitioner attacked the deceased with a wooden reaper, specifically on the head, causing a fatal injury. Based on a complaint filed by the son of the deceased on 15.08.2017, investigation was commenced and a final report was filed.

4. The trial Court on hearing the testimony of 15 witnesses, examining 17 exhibits and the wooden reaper that was produced as a Material Object, found in favour of the prosecution, relying substantially on the testimony of PW1, son of the deceased and complainant and PW2, wife of the deceased. Sentence of six months for Section 294(b) and life imprisonment for Section 302 IPC and fine of Rs.5,000/-, in default, to undergo six months simple imprisonment was imposed.



5. While Mr.Malarvannan, appearing for the prosecution would rely on the judgment of the trial Court essentially based on the testimonies of PW1 and PW2 as well as the motive for murder, Mr.S.Sathyaraj, appearing for the petitioner points to various flaws in the investigation.

6. According to learned counsel for the petitioner, no motive has been made out by the prosecution. That apart, there is substantial delay between the incident itself and the filing of the complaint, which is fatal to the case of the prosecution.

7. We have heard both learned counsel.

8. The incident allegedly leading to the demise of Palaniappan took place on 13.08.2017 at 8.30 p.m. The testimony of PW1, son of the deceased, reveals that the deceased had, after the incident gone into his house and had been taken to the hospital only the next morning. Initially, he has been taken to Attayampatty Ramalingam, a private hospital and thereafter for some medical investigations to Vinayaga Mission Hospital.

9. The medical records relating to these two hospitals have not been produced. However, it is admitted that in neither of these hospitals was the petitioner implicated as being the cause for the demise of the deceased. In fact, no accident register had been filled-in in the aforesaid two hospitals and learned counsel for petitioner rightly points out that had the admission of the deceased been registered as a medico legal case, the authorities would have been intimated of the same even at that stage. This has admittedly not been done.



10. It is only thereafter that the family of the deceased took him to the Government Medical College Hospital, Salem, wherein, for the first time, the authorities have recorded the allegation of an assault. That apart, though incident is stated to have taken place on 13.08.2017, the complaint has been instituted only on 15.8.2017, after the demise of the deceased in the late hours of 14.08.2017. There is thus a delay in the institution of the complaint itself.

11. This, coupled with the fact that the earliest versions of the incident in the first two hospitals visited by PW1 and PW2 with the deceased had made no mention of an assault or reference to the deceased, enures to the benefit of the petitioner, and we find a prima facie case in favour of the petitioner.

12. Accordingly, this Criminal Miscellaneous Petition is allowed and the sentence under judgment dated 18.11.2024 suspended, though on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- with two sureties each, of whom, one should be a blood relative, for a like sum to the satisfaction of the 2nd Additional District and Sessions Court, Tiruchengode.

(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



WEB COPY



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.)
24-08-2026

ssm

Index: Yes/No

Speaking order

Neutral Citation: Yes

Note to Registry: Issue Today

To

1. The Inspector Of Police,
Mallasamudram Police Station,
Tiruchengode Taluk,
Namakkal District.
2. The 2nd Additional District and Sessions Court, Tiruchengode.
3. The Superintendent of Prison, Central Prison, Salem.
4. The Public Prosecutor, High Court, Madras.



WEB COPY

CRL MP No. 1398 of 2



DR.ANITA SUMANTH, J.

AND

SUNDER MOHAN, J.

ssm

CRL MP No. 1398 of 2025
in CRL A NO. 131 OF 2025

24-08-2026