



Crl.M.P.No.2767 of 2025
in Crl.A.No.186 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

Crl.M.P.No.2767 of 2025

in

Crl.A.No.186 of 2025

Robert Sundarajan

...

Petitioner /A2

Vs.

The State Rep. by
The Inspector of Police,
Veeranam Police Station,
Salem City.

(Crime No.439 of 2008)

...

Respondent/Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Sections 430 & 483 of BNSS, praying to suspend the sentence imposed by the II Additional District and Sessions Judge, Salem in S.C.No.88 of 2016 dated 10.01.2025 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner : Mr.A.Yogaraj

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the judgment dated 10.01.2025 passed in S.C.No.88 of 2016 by the learned II Additional District and Sessions Judge, Salem, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2.The petitioner/A2 in S.C.No.88 of 2016 was convicted by the Trial Court by the judgment dated 10.01.2025 for the offence under Section 326 of I.P.C. and sentenced to undergo 3 years rigorous imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo six months simple imprisonment. Aggrieved by the same, he filed Crl.A.No.186 of 2025 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.



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3.The contention of the petitioner is that there is a dispute with regard to the Church property between the accused and the de-facto complainant group. Hence, it is projected as though the petitioner along with other accused came and attacked the de-facto complainant and PW2 in this case. The overt act attributed against the petitioner is that the petitioner inflicted cut injury on the back and stomach of the PW2. The Doctor/PW5, who examined PW2 confirms that injury is the cut injury and superficial and produced Ex.P9/Medical report. In this case, the medical evidence not supported the ocular evidence. The trial Court though charged the petitioner for offence under Sections 342, 324, 307 r/w 34 of I.P.C. r/w 3(i) of TNPPDL Act, acquitted the petitioner for offences under Sections 342, 324 of I.P.C. r/w 3(i) of TNPPDL Act and convicted the petitioner for offence under Section 326 of I.P.C. The presence of the petitioner is also highly doubtful. The petitioner in his defence examined DW1 to DW3 and marked Exs.D1 to



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D6 to show that it is a motivated complaint. The trial Court not adverted and consider the same.

4.The learned Additional Public Prosecutor on the other hand submitted that in this case the de-facto complainant Thangaraj and PW2/Jayakumar are relatives and neighbours. They are members of CSI Church situated in Elizebethpet in Sukkampatti, Salem Taluk. Due to previous enmity regarding the ownership of the said church, on 25.10.2008, the petitioner along with other accused attacked PW1 and PW2. After the attack the injured rushed to the Government Hospital, where the Doctor had given treatment, later complaint lodged, case registered and on conclusion charge sheet filed. During trial, PW1 to PW7 examined, Exs.P1 to P15 marked and M.O.1 to M.O.9 marked. On the side of the defence, DW1 to DW3 examined and Exs.D1 to D6 marked. On the conclusion of trial, the trial Court on the evidence of witnesses and the materials produced, convicted the



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petitioner as stated above. Further, submitted that the trial Court suspended the sentence of the petitioner till 10.02.2025.

5.It is seen that in this case there is a civil dispute over the church property and a civil suit in O.S.No.622 of 1997 filed. With regard to the management of church I.A.No.122 of 2010 filed, which lead to disharmony between two groups. In this case A1 and A4 died during trial, A3 acquitted, petitioner alone convicted. There are contradictions between the ocular and medical evidence. Further, the trial Court suspended the sentence of the petitioner till 10.02.2025 in C.M.P.No.17 of 2025 dated 10.01.2025. Hence, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

6.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



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sum to the satisfaction of the trial Court.

7.Further, the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the criminal 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.

8.Accordingly, this Criminal Miscellaneous Petition is ordered.

21.02.2025

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Note: Issue order copy on 25.02.2025.



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- To
- 1.The II Additional District and Sessions Judge,
Salem.
 - 2.The Inspector of Police,
Veeranam Police Station,
Salem City.
 - 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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