



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 22278 of 2025

IN

CRL A NO. 1792 OF 2025

Irudhayanathan @ Prabhu
S/o.Lasser,
No.76, 4th Street Mayor
Krishnamoorthy Nagar, Vysarpadi,
Chennai-600 039

Petitioner(s)

Vs

State rep by the Inspector of Police
P-3, Vyasarpadi Police Station
Chennai
Cr.No.603/2016

Respondent(s)

PRAYER

To suspend the sentence passed in S.C.No.368/2018 by the Learned IV Additional Sessions Judge at Chennai by the Judge dated 23.10.2025 pending disposal of above CrI.A.No.1792 of 2025 by enlarging him on bail



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For Petitioner(s): Mr. J.Senthamil Arasu

For Respondent: Mr.V.Meganathan,
Govt. Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned IV Addl. Sessions Judge, Chennai, in S.C.No.368 of 2018 dated 23.10.2025 and enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner herein is the accused in S.C.No.368 of 2018 on the file of the learned IV Addl. Sessions Judge, Chennai. He was found guilty of the offences under Section 294(b) of I.P.C. and he has been convicted and sentenced



to undergo simple Imprisonment for 3 months and also sentenced to undergo rigorous imprisonment for a period of 10 years and to pay a fine of Rs.10,000/- in default of payment of fine, to undergo simple imprisonment for one year under Sec.307 of I.P.C. Aggrieved by the same, the petitioner had filed this appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioner/accused raised the following grounds for consideration :-

(a)The court below failed to see that there was mentioned contradiction and improvements in the evidence of P.W.1 to P.W.3 with regard to overtact of the appellant. Whether P.W.1 was beaten by the appellant repeatedly or once is failed to analysis the evidence of PW.1 to P.W.3 in proper perspective to reach the conclusion that appellant has committed the offence.

(b)The trial court failed to see that all the medical records are not furnished by the respondent. It is the categorical evidence of P.W.1 that he has sustained injuries on the head and he was treated in the hospital



from 04.08.2016 to 12.08.2016 and operation was done on 05.08.2016

and also on 09.11.2018 but x-ray and scan report was not marked,

which was taken in the hospital. Non-marking of X ray and scan reports

would lead to suspicion whether he has sustained grievous injury on the

head as found in the accident register.

(c)The court below failed to see that P.W.2 to P.W.4 are closely related

and interested witness. Further even though the respondent claimed to

be P.W.2 to P.W.4 are eye witnesses of the occurrence their presence is

doubtful, because no blood stained cloth was seized from them. Further,

with regard to overtact their evidence is not cogent. Further, no one

lodged the complaint immediately after the occurrence even though the

police station is on the way to the hospital. This inordinate delay in

lodging the complaint would show they are not only chance witness and

prosecution story is false.

By submitting the aforesaid grounds, he would submit that the courts below

failed to take note of the fact that proper medical records not furnished with

regard to grievous injury sustained by the victim, inspite of that, the trial court



had convicted him and the prosecution also not proved the case beyond reasonable doubt. He would submit that he is in custody from the date of judgment i.e. on 23.10.2025 for more than one six month. He would also submit that there are arguable points available in the Criminal Appeal and the petitioner/accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent/State raised serious objection for allowing this petition and contended that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned counsel appearing on either side and also



perused the materials placed on record.

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6. On seeing the facts, it reveals that admittedly, medical records are not furnished with regard to injury, only the AR Copy was produced, but x-ray and scan report was not marked in order to show the nature of grievous injury sustained by him as rightly pointed out by the petitioner. Considering that and also considering the fact that he is in custody from the date of judgment i.e. on 23.10.2025 for more than one month and he has no bad antecedents and coupled with the quantum of punishment imposed upon the petitioner, also by considering the submissions of the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police, further this criminal appeal is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions.

7. Accordingly, till the disposal of the Criminal Appeal, the



substantive sentence of imprisonment imposed by the learned trial Judge is
alone suspended and bail are granted on the following conditions:

(a) the petitioner **shall deposit a sum of Rs.30,000/-**
(Rupees Thirty Thousand only) to the credit of S.C.No.368 of
2018 on the file of learned IV Addl. Sessions Judge, Chennai
within a period of three weeks from the date of receipt of
copy of this order. Failing which, the order passed by this
Court shall stand automatically cancelled. On such deposit,
the victim is permitted to withdraw the amount on filing
undertaking affidavit and on production of proper
identification and acknowledgement.

(b) The petitioner/accused is ordered to be released on
bail, on their executing a separate bond **for a sum of Rs.25,000/-**
(Rupees Twenty Five Thousand only) with two sureties each,
in which one surety must be a blood surety, for a like sum to
the satisfaction of the learned IV Addl. Sessions Judge,



Chennai.

(c) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(d) 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 he shall not have any communication with the victim girl and his family 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.

8. With the above directions, this Criminal Miscellaneous Petition is ordered.



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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1.IV Addl. Sessions Judge, Chennai.

2.Inspector of Police

P-3, Vyasarpadi Police station, Chennai

3.The Superintendent of Prison, Central
Prison, Puzhal at Chennai

4. The Public Prosecutor,
High Court, Madras.¹²



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T.V.THAMILSELVI J.

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