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Crl.M.P.No.23795 of 2025 in Crl.A.No.1896 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.23795 of 2025

in

Crl.A.No.1896 of 2025

1. Boopathi
2. Asai Thambi

... Petitioners/Accused Nos. 3 & 4

Vs.

The State Represented by
The Inspector of Police,
M-4, Police Station Redhills,
Thiruvallur District.
(Crime No.748 of 2016)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 415(3)(a) of BNSS to call for the records of the judgment of the learned Additional Assistant Sessions Judge, Ponneri, Thiruvallur District in SC.No.156 of 2017 dated 04.11.2025 and set aside the said conviction of the trial court.

For Petitioners : Mr.A.Arasu Ganeshan

For Respondent : Mr.S.Balaji,
Government Advocate (Crl.Side)



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ORDER

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2. It is the case of the prosecution that, due to previous enmity, the petitioner, along with other accused, went to the defacto complainant's house and picked up a quarrel; that during the quarrel, the first accused abused the defacto complainant using filthy language and assaulted him with a knife and the petitioners arrayed as third and fourth accused had common intention to commit the said offence. Hence, the case.

3. The petitioner/accused in S.C No.156 of 2017 was convicted by the Trial Court by judgment dated 04.11.2025 and sentenced to undergo simple imprisonment for a period of three months for the offences punishable under Section 294(b) of IPC and to undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs.500/- for



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the offences punishable under Section 307 r/w 34 of IPC. Aggrieved by the same, the petitioner/accused filed Crl.A.No.1896 of 2025 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case; that the sentence of imprisonment imposed on the first accused was suspended by this Court by order dated 25.11.2025; and that the petitioner has raised substantial grounds in the appeal, which requires consideration and prayed for granting suspension of sentence to the petitioner.

5. The learned Government Advocate (crl.side) appearing for the respondent, per contra, opposed the grant of suspension of sentence to the petitioner on the ground that the prosecution has established its case beyond reasonable doubt, and hence, the petition is liable to be dismissed.



6. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) appearing for the respondent and perused the record.

7. This Court, by order dated 25.11.2024, while suspending the sentence imposed on the first accused had made the following observations -

6. On seeing the facts, it reveals that all the accused are relatives and there was a family dispute between them. Considering that and also considering the fact that he is in custody from the date of judgment i.e. on 04.11.2025 for more than 21 days 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.

The above observations squarely apply to the petitioner herein as well.



8. Considering the above facts, the period of incarceration, the fact that sentence imposed on the first accused has been suspended by this Court and that the appeal is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

9. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended and the petitioner is ordered to be released on bail on the following conditions:

(i) 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 Additional Assistant Sessions Judge, Ponneri;

(ii) 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

(iii) The petitioner shall appear before the Trial



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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 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.

16.12.2025

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Issue order copy by 16.12.2025.

Upload the order copy forthwith.

To

1. The Inspector of Police,
M-4, Police Station Redhills, Thiruvallur District.
2. Learned Additional Assistant Sessions Judge,
Ponneri, Thiruvallur District.
3. The Public Prosecutor, Madras High Court.
4. The Superintendent, Central Prison, Puzhal, Chennai.



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SUNDER MOHAN, J.
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