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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28-02-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL MP(MD) NO. 2067 of 2025

in

CRL.A.(MD) No.215 of 2025

Kannan

S/o.Ganesan, No.04/364, Pillaiyarkovil Street, Aalampatti
Pudur, Srirangam Taluk, Tiruchirappalli District.

Petitioner(s)

Vs

The State of Tamil Nadu
Rep by The Inspector of Police,
Inam Kulathur Police Station,
Tiruchirappalli District.
Crime No.202/2021.

Respondent(s)

Prayer: Petition filed under Section 430(1) of BNSS to suspend the sentence passed in SC.No.32 of 2022 dated 08.01.2025 on the file of the II Additional District and Sessions Court, Tiruchirappalli and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner(s): Mr.K. M.Karunakaran

For Respondent(s): Mr.P.Kottaichamy,



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ORDER

The petitioner / accused in SplSC.No.32 of 2022 on the file of the II Additional District and Sessions Court, Tiruchirappalli was found guilty, convicted and sentenced to undergo 7 years rigorous imprisonment with a fine of Rs.5,000/-, in default, to undergo 6 months rigorous imprisonment for the offence under Section 304(ii) IPC. As against the conviction, the petitioner has filed an appeal in CrIa(MD) No.215 of 2025. Along with the appeal, the petitioner has filed this miscellaneous petition to suspend the sentence pending the appeal.

2.The learned counsel for the petitioner submits that except the evidence of PW1 to PW8 no other evidence has been placed by the prosecution to connect this petitioner to the incident. There are several contradictions between the statement and the deposition of PW1 to PW8. There is a delay of 3.30 hours in lodging the complaint. The witness PW9 to PW17 are official witnesses and their evidence cannot be relied upon. The trial Court did not consider the document Ex.DW1 Accident Register. The injuries mentioned by the Doctor, who conducted post-mortem did not match with the injuries mentioned by the prosecution witnesses. The chain of circumstances as placed by the prosecution is not complete and the prosecution has failed to establish



the case. The trial Court has failed to consider all these facts. Therefore, the learned
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Counsel prayed that the sentence be suspended pending the appeal.

3. The learned Government Advocate (Crl Side) submits that the trial Court has considered the evidence of the prosecution witnesses and all the exhibits, rightly found the petitioner guilty and imposed conviction on the petitioner. Therefore, he objects to suspend the sentence pending the appeal.

4. This Court considered the rival submissions made and perused the material placed on record.

5. Considering that the petitioner is having some arguable points in the main appeal and the appeal could not be taken up for final disposal immediately, this Court is inclined to suspend the sentence pending the criminal appeal.

6. Accordingly this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the II



Additional District and Sessions Court, Tiruchirappalli and the petitioner shall stay at
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Virudhunagar and report before Amathur Police Station daily at 10.30 am.

sd/-
28/02/2025

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04/03/2025

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK
TO

- 1 THE JUDGE,
THE II ADDITIONAL DISTRICT AND SESSIONS COURT, TIRUCHIRAPPALLI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.
- 3 THE INSPECTOR OF POLICE,
AMATHUR POLICE STATION, VIRUDHUNAGAR.
- 4 THE INSPECTOR OF POLICE,
INAM KULATHUR POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-2274[I] dated 28/02/2025)



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ORDER
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IN
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Date :28/02/2025

NBF/SAR/ (04/03/2025) 5P/7C

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