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CRL MP No. 1052 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.MP No. 1052 of 2026

in

Crl.R.C.No.162 of 2026

Nagaraj
S/o. Narayanappa,
Upparapatti Village,
Madhagondapalli Post,
Denkanikottai Taluk,
Krishnagiri District.

..Petitioner(s)

Vs

State by,
The Sub Inspector of Police,
Thally Police Station,
Krishnagiri District.
Crime No.144 of 2018.

..Respondent(s)

Prayer: Criminal Miscellaneous Petition is filed under Section 438 of BNSS, 2023, to suspend the sentence confirmed in Crl.A.No.09 of 2025 dated 01.12.2025 by the learned Additional District Judge, Hosur, Krishnagiri District imposed in CC.No.79 of 2018 dated 23.04.2024 on the file of the learned District Munsif cum Judicial Magistrate, Denkanikottai, Krishnagiri District.

For Petitioner(s): Mr.M.P.Saravanan

For Respondent(s): Mr.R.Vinothraja
Government Advocate (Crl Side)

**ORDER**

This Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence passed by the learned Additional District Judge, Hosur, Krishnagiri District, in Crl.A.No.09 of 2025 dated 01.12.2025, confirming the judgment of the learned District Munsif-cum-Judicial Magistrate, Denkanikottai, Krishnagiri District, in C.C.No.79 of 2018 dated 23.04.2024, pending disposal of the above criminal revision case.

2. The petitioner/Accused No.1 in C.C.No.79 of 2018 was convicted and sentenced by the Trial Court by judgment dated 23.04.2024 as follows:

under Section	Sentence imposed
326 IPC	To undergo SI for 3 years and to pay a fine of Rs.10,000/-, (i.d) SI for one month.

3. Aggrieved by the same, the petitioner filed Crl.A.No.162 of 2026 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The case of the prosecution is that the petitioner along with two other accused attacked P.W.1 on account of prior enmity by stabbing his stomach with a knife and caused grievous injuries and thus committed the



aforesaid offence.

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5. The learned counsel for the petitioner would submit that the alleged occurrence did not take place in the manner alleged by the prosecution; that the petitioner was arrayed as A1 and the trial Court had acquitted A2 and A3; that the prosecution has not established that the petitioner caused grievous injuries; and that P.W.1's evidence suffers from several inconsistencies; and hence, prayed for suspension of sentence.

6. The learned Government Advocate for the respondent would submit that P.W.1 is the injured witness and P.W.2 is an eye witness, whose evidence inspires confidence; and that the concurrent findings of the Court below do not suffer from any infirmity.

7. It is seen that the petitioner has been in custody since 06.02.2026 pursuant to the judgment of the appellate court. It is further seen from the court records that the petitioner has raised several arguable points in the above revision, which require consideration. Therefore, this Court is inclined to suspend the sentence.

8. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended till the



disposal of the above Criminal Revision Case and the petitioner is ordered to be released on bail on the following conditions:

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- (i) The petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties, each for a like sum to the satisfaction of the District Munsif cum Judicial Magistrate, Denkanikottai, Krishnagiri District.
- (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 numbers to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the revision case 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.

25-02-2026

MAC

Note: Issue order copy on 26.02.2026.



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SUNDER MOHAN, J.

MAC

To

1. The Additional District Judge,
Hosur, Krishnagiri District
2. The District Munsif-cum-Judicial Magistrate,
Denkanikottai, Krishnagiri District.
3. The Sub Inspector of Police,
Thally Police Station,
Krishnagiri District.
4. The Superintendent of Prison,
Central Prison, Salem

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