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CRL MP No. 3018 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 3018 of 2026

IN

CRL RC NO. 391 OF 2026

Annamalai
S/o.Ramasamy,
Muthanur Village,
Kottaiyur Post, Yelagiri,
Tirupattur District.

..Petitioner(s)

Vs

The State Rep.
The Sub Inspector of Police,
Yelagiri Police Station,
Tirupattur District.
Crime No.25/2018

..Respondent(s)

CRL MP No. 3018 of 2026

Criminal Miscellaneous Petition filed under Sections 438 and 442 of BNSS, praying to suspend the sentence passed by the Learned District and Sessions Judge, Tirupattur, Tirupattur District in Crl.A.No.33/2024 dated 28.01.2026, confirming the judgment and sentence passed in C.C.No.17/2019 dated 25.10.2024 on the file of the Learned Judicial Magistrate, No.III, Tirupattur, Tirupattur District and enlarge the petitioner on bail pending disposal of the Criminal Revision.

For Petitioner(s): Mr.E.Kannadasan

For Respondent(s): MR.R.VINOTHRAJA
GOVERNMENT ADVOCATE
(CRIMINAL SIDE)



ORDER

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The petitioner has preferred the above revision challenging the judgment passed by the learned District and Sessions Judge, Tirupattur, Tirupattur District, in Crl.A.No.33 of 2024 dated 28.01.2026, confirming the judgment of the learned Magistrate convicting the petitioner for the offence under Section 326 of IPC, and sentenced him to undergo S.I for one year and to pay a fine of Rs.10,000/-, I/d. to undergo S.I for two months. The instant petition has been filed to suspend the sentence imposed on the petitioner, pending disposal of the above revision.

2. It is the case of the prosecution that on account of prior enmity, the petitioner attacked the defacto complainant with a wooden log and caused a fracture in his left hand, besides abusing him in filthy language and committed the offence of criminal intimidation.

3. The learned counsel for the petitioner would submit that both the Courts below had not adverted to the fact that no X-ray was marked to substantiate that the defacto complainant had sustained a fracture. He would further submit that the defacto complainant had stated to the Doctor, which was recorded in the Accident Register, that four males and two females had attacked him; that even in the complaint, he had stated that four persons had attacked



him; that the present version of the defacto complainant in his deposition is contrary to the earlier versions; and that there are substantial grounds raised in the above revision, and prayed for suspension of sentence.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. It is seen from the records that the doctor had made entries in the Accident Register to the effect that the defacto complainant had stated that four males and two females had attacked him. It is also seen from the complaint that four persons were named as accused. Since the version of the defacto complainant in his deposition is different from his earlier versions, the reliability of his evidence has to be considered in the revision. The petitioner has made out a *prima facie* case for suspension of sentence. Hence, this Court is inclined to grant the relief of suspension of sentence to the petitioner, subject to the following conditions:

(i) The sentence of imprisonment alone imposed on the petitioner/accused shall be suspended, on his executing a bond a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate No.III, Tirupattur.

(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;

(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 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.

6. Accordingly, the Criminal Miscellaneous Petition is ordered.

20-02-2026
(2/2)

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

ANU

To
The Sub Inspector of Police,
Yelagiri Police Station,
Tirupattur District.
Crime No.25/2018

2.The District and Sessions Judge, Tirupattur, Tirupattur District

3. The Judicial Magistrate, No.III, Tirupattur, Tirupattur District



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SUNDER MOHAN, J.

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