



WEB COPY

CRL MP NO. 3964 OF 2
in CRL A No. 243 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP NO. 3964 OF 2026

in

CRL A No. 243 of 2026

Pavith @ Krishnaraj
S/o.Mathiyazhagan,
No.97, 12th Cross, Tsunami Nagar,
Kilinjalmadu, Karaikal District.

Petitioner/A1

Vs

The state rep. by,
The Inspector of Police,
Town Police Station,
Karaikal District.
(Crime No.107 of 2021)

Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, 2023 praying to suspend the sentence imposed by the learned Sessions Judge, Karaikal in S.C.No.06 of 2022 dated 29.01.2026 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondent : Mr.M.V.Ramachandra Murthy
Public Prosecutor (Puducherry)
Assisted by
Mr.M.Thamizhmani



ORDER

The Criminal Miscellaneous Petition has been filed to suspend the sentence imposed in S.C.No.06 of 2022 passed by the learned Sessions Judge, Karaikal, dated 29.01.2026 and enlarge the petitioner on bail, pending disposal of the above criminal appeal.

2.The petitioner/A1 in S.C.No.06 of 2022 was charged along with A2 and the trial Court by the judgment dated 29.01.2026 convicted the petitioner for offences under Sections 323 and 326 of I.P.C. and sentenced to undergo six months rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo further period of one month rigorous imprisonment, for the offence under Section 323 of I.P.C. and for the offence under Section 326 of I.P.C., sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo further period of three months rigorous imprisonment. The sentences are directed to be run concurrently. As regards A2, he was acquitted of all charges. Aggrieved by the said conviction, the petitioner/A1 filed Crl.A.No.243 of 2026 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.



3. The contention of the learned counsel for petitioner is that the petitioner had a love affair with the defacto complainant's daughter/PW2, which was opposed by defacto complainant/PW1. There was a wordy quarrel and exchange of blows, which later magnified and projected as though the petitioner caused serious injuries to PW4, the son of PW1 and brother of PW2. In this case, the medical records do not confirm to the ocular evidence. He further submitted that PW1, PW2 and PW4 on realising that the complaint was lodged in anger later resiled from their statements and did not support the case of the prosecution. Despite the same, the trial Court convicted the petitioner. He further submitted that the trial Court already suspended the sentence of the petitioner till 28.02.2026. Hence, he prayed for granting suspension of sentence to the petitioner.

4. The learned Public Prosecutor (Puducherry) appearing for the respondent submitted that in this case PW1/defacto complainant is the father of victim/PW4. The petitioner has been following the PW1's daughter-PW2 and causing harassment to her. Despite several warnings, he continued the harassment. When it was questioned by her brother/PW4, he took the deadly weapon and assaulted PW4, thereby PW4 sustained injuries. PW4 immediately taken to the hospital. The medical record confirm the injury caused by the petitioner. He further submitted that during trial, on the side of the prosecution,



PW1 to PW10 examined and Exs.P1 to P22 marked and material objects M.O.1 to M.O.10 produced and M.O.1-Aruval with blood stains seized but fairly submitted that there was no Serology report in this case. On the side of the defence, no witnesses examined and no documents marked. He further submitted that the PW1, PW2 and PW4 initially supported the case of the prosecution, however, during cross examination, after a delay, they resiled from their earlier statements. The Trial Court on the evidence of witnesses and the materials produced had rightly convicted the petitioner. He further submitted that the trial Court already suspended the sentence of the petitioner till 28.02.2026.

5.Considering the fact that there are arguable points involved in this appeal and it would take some time for the appeal to be taken up for final hearing and the sentence of imprisonment imposed on the petitioner already suspended by the trial Court till 28.02.2026, this Court is inclined to suspend the sentence imposed on the petitioner.

6.Accordingly, the substantive sentence of Imprisonment imposed on the petitioner is suspended till the disposal of the above appeal and he is ordered to be enlarged on bail, on condition that he shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the trial Court.



7. Further, the petitioner shall appear before the Trial Court once in six months on the first working day 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 that 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. Accordingly, the Criminal Miscellaneous Petition is ordered.

03.03.2026
(2/2)

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To

1. The Sessions Judge,
Karaikal.
2. The Inspector of Police,
Town Police Station,
Karaikal District.
3. The Public Prosecutor
High Court, Madras.



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M. NIRMAL KUMAR, J.

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