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CRL MP No. 5207 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

**CRL MP No. 5207 of 2026
in Crl.A.No.441 of 2025**

Sundar Rajan
S/o.Govindan,
5/265, Jodu Aalamaram,
Near EB Office, Rayakottai,
Now at, Vinayagar Kovil Street,
Ragamath Colony, Rayakottai.

..Petitioner(s)

Vs

State Represented by,
The Inspector of Police,
Rayakottai Police Station,
Krishnagiri District.
Crime No.61/2016.

..Respondent(s)

Criminal Miscellaneous Petition filed under Section 430 of BNSS, to suspend the sentence imposed on the petitioner in SC.No.156 of 2019 dated 11.03.2025 on the file of the learned Additional District and Sessions Judge, Hosur and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner(s):

Mr.S.Sairaman

For Respondent(s):

Mr.C.R.Malarvannan,
Counsel for Government of Tamil Nadu
(Crl. Side)



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ORDER

(Order of the Court was made by Sunder Mohan J.)

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner vide judgement and order dated 11.03.2025 passed in S.C.No.156 of 2019 on the file of the learned Additional District and Sessions Judge, Hosur, and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner, who is the sole accused in the above Sessions Case, was convicted by the trial Court for the offence under Section 302 of the IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.2000/-, in default to undergo simple imprisonment for one month.

3. Heard Mr.S.Sairaman, the learned counsel for the petitioner and Mr.C.R.Malarvannan, learned counsel for Government of Tamil Nadu (Crl.Side) appearing for the respondent/State.

4. It is the case of the prosecution that the petitioner/accused and the deceased were related to each other; that the deceased had demanded



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partition of property from his parents and was constantly troubling them, as a result of which, the petitioner/accused decided to do away with the deceased and caused his death by stabbing him on his neck, fingers, left and right knee.

5. The learned counsel for the petitioner/accused submitted that the case is based on circumstantial evidence; that the circumstances have not been fully established by the prosecution; that motive and last seen have not been proved; that recovery is also unbelievable; and that the circumstances do not form a complete chain pointing out only to the guilt of the petitioner/accused.

6. The learned counsel for Government of Tamilnadu (Crl.Side) submitted that the prosecution had established all the circumstances beyond reasonable doubt, which pointed out only to the guilt of the petitioner/accused. The respondent has filed a counter to that effect.

7. We have perused the records.



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8 (i). We find from the records that the prosecution has relied upon four circumstances, viz., motive, last seen together, the confession and recovery of material objects and the fact that the death was homicidal.

(ii) As regards the motive, the parents of the deceased were examined as PW1 and PW4. Neither of them had deposed about the motive alleged by the prosecution. In fact, PW1 had categorically stated that he had not complained against the petitioner/accused and that the accused was the sister's son of his wife (PW4). PW4, the wife of PW1 and the mother of the deceased also corroborates the evidence of PW1. Therefore, *prima facie*, we are of the view that the prosecution had failed to prove the motive.

(iii) As regards the circumstance of last seen together, the prosecution relies upon the evidence of PW5, who is said to have seen the deceased one day prior to the occurrence along with the petitioner/accused. However, no date or time is mentioned by PW5. Be that as it may. PW9, however had seen the deceased alone at 8.00 p.m., on the previous day, i.e. on 02.02.2016, and stated that the deceased had



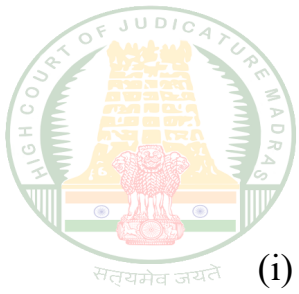
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asked for narcotic drugs from him. He had not seen the deceased with the petitioner/accused. His evidence is contrary to the evidence of PW5, whose evidence is vague. Therefore, the circumstance of last seen together also *prima facie* appears to be doubtful.

9. From the overall reading of the evidence, we find that the petitioner/accused has made out a case for suspension of sentence, inasmuch as we are of the view *prima facie* that the circumstances have not been established conclusively and in any case, they do not form a complete chain pointing out only to the guilt of the petitioner/accused.

10. Therefore, considering the above and also the fact that the petitioner is in custody from the date of judgment i.e., 11.03.2025 and the appeal is not likely to be taken up in the near future, we are inclined to grant the relief of suspension of sentence to the petitioner herein.

11. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended on the following conditions:



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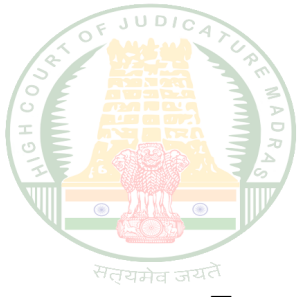
(i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two independent sureties, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge, Hosur.

(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 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.

(A.S.M.,J.) (S.M.,J.)
12-06-2026

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

1. The Additional District and Sessions Judge,
Hosur.
2. The District Munsif cum Judicial Magistrate Court,
Denkanikottai.
3. The Superintendent of Prisons,
Central Prison, Salem.
4. The Inspector of Police,
Rayakottai Police Station,
Krishnagiri District.
5. The Public Prosecutor,
High Court, Madras.



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**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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