Order QR

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2026

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HON'BLE MR. JUSTICE B.KARTHIKEYAN

Crl.M.P.No.6902 of 2026
in
Crl.A.No.1839 of 2025

1. Naveen Kumar @ Naveen
2. Janardan
3. Anil Kumar @ Anil

..Petitioner(s)

Vs

1. The State rep by,
   The Deputy Superintendent of Police,
   Hosur Sub-Division Police Station.

   (Crime No.482 of 2020)
2. The Inspector of Police,
   Bagalur Police Station,
   Hosur.
3. Chinnayappa

..Respondent(s)

PRAYER: Criminal Miscellaneous Petition is filed under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence of the petitioners by Judgment dated 04.11.2025 passed by the learned Principal District and Sessions Judge, Krishnagiri in S.C.No.9 of 2021 and enlarge the petitioners on bail pending disposal of the above Criminal Appeal.

https://www.mhc.tn.gov.in/judis

WEB COPY

For Petitioner(s): Mr. L.Mouli

For Respondent(s): Mr. C.R.Malarvannan
Additional Public Prosecutor for R1 & R2
Mr.P.Raghul for R3

ORDER

(Made by A.D.JAGADISH CHANDIRA., J.)

This Criminal Miscellaneous Petition has been filed by the petitioners/accused (A1 to A3) seeking suspension of the sentence imposed on them by the learned Principal District and Sessions Judge, Krishnagiri, in S.C.No.9 of 2021, vide judgment dated 04.11.2025.

2. The brief facts of the case are as follows:

2.1. The victim/deceased, Sunil, belongs to the Scheduled Caste community and the petitioners/accused, who were known to the victim/deceased, are the residents of the same locality at Kothapalli Village, Hosur Taluk. There existed previous enmity between the first accused and the victim/deceased on account of the victim/deceased speaking ill about the first accused before others. Nurturing grudge because of that, on 28.07.2020, at about 9.15 p.m., accused 2 and 3 called the victim/deceased to a place near Ambedkar Layout, Kothapalli Village, where, the petitioners/accused abused the victim/deceased by uttering his caste name in a public place and intentionally insulted and humiliated him, knowing well that he belongs to the

https://www.mhc.tn.gov.in/judis

WEB COPY

Scheduled Caste community. Thereafter, the petitioners/accused, all together, assaulted the victim/deceased with wooden logs on various parts of his body, causing grievous injuries and criminally intimidated him with dire consequences.

2.2. Subsequently, the victim/deceased was taken to the Government Hospital at Hosur by PW3 and PW4 and later taken to the Government Hospital at Krishnagiri. While he was undergoing treatment, a statement was recorded from him and based on his complaint, a case in Crime No.482 of 2020 was registered on 29.07.2020 at about 11.30 a.m., for the offences under Sections 294(b) and 324 of IPC. Thereafter, the victim/deceased was taken to St. John's Hospital, Bangalore, for further treatment, wherein he died on 04.08.2020 without responding to treatment after the amputation of his right leg.

2.3. On account of the death of the victim/deceased, the investigating officer, altered the case and after completion of the investigation, filed a final report for the offences under Sections 294(b), 506(II) and 302 IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 before the Principal District and Sessions Judge, Krishnagiri, and the same was taken on file in S.C.No.9 of 2021.

2.4. On appearance of the petitioners/accused before the Court and on compliance with the provisions under Section 207 of Cr.P.C., the trial

https://www.mhc.tn.gov.in/judis

WEB COPY

Court framed charges against the petitioners/accused after hearing the learned counsel on both sides. During the initial questioning, the petitioners/accused denied the charges and sought to be tried.

2.5. On the side of the prosecution, PW1 to PW25 were examined and Ex.P1 to Ex.P37 along with M.O.1 to M.O.3 were marked. On the side of the defence, neither any witness was examined nor any document was marked.

2.6. The trial Court, after hearing the arguments on both sides and considering the materials on record, found the petitioners/accused guilty and convicted and sentenced them vide judgment dated 04.11.2025, as follows:-

Accused	***Under Section***	***Sentence***
A1 to A3	302 IPC	Life imprisonment and fine of Rs.3,000/- each, in default, to undergo one year R.I.
	3(2)(v) (PoA) SC/ST Amendment Act, 2015	Life imprisonment and fine of Rs.3,000/- each, in default, to undergo one year R.I.
A1	3(1)(r) and 3(1)(s) (PoA) SC/ST Amendment Act, 2015	One year rigorous imprisonment for each offence
A3	294(b) IPC	Three months simple imprisonment.
The aforesaid sentences were ordered to run concurrently.		

2.7. Challenging the aforesaid judgment, the criminal appeal in Crl.A.No.1839 of 2025 was filed along with the present application seeking suspension of sentence.

https://www.mhc.tn.gov.in/judis

WEB COPY

3. The submissions of the learned counsel appearing for the petitioners/accused are as follows:

3.1. The trial Court failed to take into consideration the contradictions in the evidence of PW3 and PW4, who are claimed to be the eyewitnesses to the occurrence.

3.2. In his cross-examination, PW4 deposed that he was not aware as to who among the three accused had assaulted the deceased on which part of his body and he also admitted that he was tutored to depose before the Court.

3.3. Even as per the prosecution case, the deceased died on 04.08.2020 and the reason for the death was due to amputation and septicemia. Further, the medical record with regard to the amputation was also not marked before the trial Court. In such circumstances, there is a likelihood of the case falling within the Exceptions to Section 300 of IPC.

3.4. The petitioners/accused have been in custody from the date of their conviction. Further, the chance of the appeal being taken up for final hearing in the near future is very remote. Hence, the sentence imposed on the petitioners/accused may be suspended and they may be enlarged on bail.

4. The respondent police and the learned counsel for the third respondent have filed a detailed counter affidavit.

https://www.mhc.tn.gov.in/judis

WEB COPY

5. Learned Additional Public Prosecutor, relying on the counter, submitted that it is a case where due to previous enmity, the petitioners/accused had abused and humiliated the victim/deceased using his caste name and assaulted him indiscriminately with wooden logs, causing grievous injuries and the victim, later, succumbed to the injuries without responding to treatment. He further submitted that the evidence of PW3 would categorically show that the petitioners/accused had assaulted the victim/deceased. He also submitted that the trial Court, after taking into consideration the oral and documentary evidence adduced by the prosecution, has rightly found the petitioners/accused guilty and convicted them. Hence, he opposed for the grant of suspension of sentence.

6. Learned counsel appearing for the third respondent vehemently opposed for suspension of sentence stating that the petitioners/accused had indiscriminately assaulted the victim/deceased and caused his death.

7. Heard both sides and perused the materials available on record.

8. Having considered the facts and circumstances of the case, the submissions made by the learned counsel on either side, the evidence of PW21, the doctor who conducted the post-mortem of the victim/deceased, stating that the victim/deceased died due to septicemia and also considering that there are

https://www.mhc.tn.gov.in/judis

WEB COPY

several arguable points available in the criminal appeal, which is unlikely to be taken up for final hearing in the near future and further taking note of the period of incarceration already undergone by the petitioners/accused, who have made out a *prima facie* case for the grant of suspension of sentence, we are inclined to grant the reliefs of suspension of sentence and bail.

9. Accordingly, this Criminal Miscellaneous Petition is allowed. Pending disposal of the appeal, the substantive sentence of imprisonment alone imposed on the petitioners is suspended and they are enlarged on bail, subject to the following conditions:-

(i) The petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties, each for a like sum, to the satisfaction of the Principal District and Sessions Judge, Krishnagiri;

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(iii) The petitioners shall stay at Chennai and report before the Inspector of Police, North Beach Police Station, Chennai, everyday at 10.30 a.m., until further orders.

(A.D.J.C.,J.) (B.K.,J.)
29-10-2026

ham

https://www.mhc.tn.gov.in/judis

WEB COPY

To

1. The Principal District and Sessions Judge,
   Krishnagiri.

2. The Deputy Superintendent of Police,
   Hosur Sub-Division Police Station.

3. The Inspector of Police,
   Bagalur Police Station,
   Hosur.

4. The Inspector of Police,
   North Beach Police Station,
   Chennai.

5. The Public Prosecutor,
   High Court of Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

A.D.JAGADISH CHANDIRA, J.
AND
B.KARTHIKEYAN, J.

ham

Crl.M.P.No.6902 of 2026
in
Crl.A.No.1839 of 2025

29-10-2026

https://www.mhc.tn.gov.in/judis