Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2026

CORAM

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

AND

THE HON'BLE MR.JUSTICE B.KARTHIKEYAN

CRL MP No. 10186 of 2025
in Criminal Appeal No.540 of 2025

Anand
S/o. Chellamuthu,
7th Cross Street, Bharathidasan Nagar,
Perambalur Town, Perambalur District.
(Now confined in the Central Prison, Trichy)

..Petitioner(s)

Vs.

The State, Inspector of Police,
Kunnam Police Station,
Perambalur District.
Crime No. 302/2018.

..Respondent(s)

PRAYER: Criminal Miscellaneous Petition is filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence imposed by the judgement dated 28.10.2021 in S.C.No.64 of 2019 passed by the Sessions Judge, Mahila Court, Perambalur.

For Petitioner(s): Mr. R.Karunakaran

For Respondent(s): Mr.C.R.Malarvannan,
Additional Public Prosecutor

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ORDER

(Order of the Court was made by A.D.Jagadish Chandira J.)

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant (A1) seeking suspension of the sentence imposed on him by the learned Sessions Judge, Mahila Court, Perambalur, in S.C.No.64 of 2019, vide judgment dated 28.10.2021, pending disposal of the appeal.

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

2.1. The case of the prosecution is that the deceased, Kamarunnisa, sister of P.W.1-Kaja Moideen and P.W.18-Mohammed Yackob, was working as a teacher at the Government Middle School, Ilanthankuzhi Village. She used to travel from Perambalur to Allinagar by bus and thereafter, proceed to the school on her TVS XL Heavy Duty two-wheeler bearing Registration No.TN 46 R 5194. The petitioner/appellant (A1) had proposed his love to the deceased and insisted that she should marry him. Since she was not interested, she informed her brother, P.W.1, who, in turn, warned A1 against pursuing her.

2.2. While so, on 14.08.2018, at about 9.00 a.m., while the deceased was proceeding to school on her two-wheeler, A1, who had allegedly asked A2 to bring a knife, intercepted her and again, insisted that she should marry him. When she refused, A1, by saying that if she did not marry him, no one else

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should live with her, stabbed her on the left side of her neck with a knife. The deceased sustained fatal injuries and died.

2.3.Based on the complaint lodged by P.W.1, a case was registered in Crime No.302 of 2018 for the offences punishable under Sections 302 which was subsequently altered to under Sections s 302 IPC @ 114 read with 341, 354, 506(i), 302 IPC and 4A of the Tamil Nadu Prohibition of Harassment of Women Act, 1998.

2.4.After completion of the investigation, the investigating officer filed a final report before the Judicial Magistrate Court, Perambalur. The case was taken on file in P.R.C.No.37 of 2019. On appearance of the accused before the Court and on compliance with the provisions of Section 207 of Cr.P.C., the learned Magistrate committed the case to the Court of Session, where it was taken on file as S.C.No.64 of 2019 and made over to the Mahila Court, Perambalur, for trial.

2.5.After hearing the counsel on both sides, charges were framed against the accused. The accused denied the charges and claimed to be tried.

2.6. On the side of the prosecution, PW1 to PW20 were examined and Ex.P1 to Ex.P15 and M.O.1 to M.O.13 were marked. On the side of the defence, neither any witness was examined nor any document was marked.

2.7. Upon appreciation of the oral and documentary evidence, the trial Court found the petitioner/appellant (A1) and A2 guilty and convicted them.

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Since only A1 has preferred this appeal, it would suffice to set out the conviction and sentence imposed on him alone, which is as under:

Offences under Sections	Sentence imposed
302 of IPC	Life imprisonment and fine of Rs.5,000/- and in default, two years rigorous imprisonment.
341 of IPC	One month imprisonment and fine of Rs.500/- and in default, one week simple imprisonment.
354 of IPC	One year imprisonment and fine of Rs.1000/- and in default, two months simple imprisonment.
506(i) of IPC	Two years imprisonment and fine of Rs.1000/- and in default, two months simple imprisonment.
4A(1) of Tamil Nadu Prohibition of Harassment of Women Act	Life imprisonment and fine of Rs.50000/- and in default, one year simple imprisonment.
The aforesaid sentences were ordered to run concurrently.	

2.8. Assailing the said judgment of conviction and sentence, the petitioner/appellant (A1) alone has preferred the criminal appeal and filed the present application in Crl.M.P.No.10186 of 2025 seeking suspension of sentence and bail.

3. The submissions of the learned counsel appearing for the petitioner/appellant (A1) are as follows:

3.1.P.W.1 and P.W.18 have been projected as eyewitnesses to the occurrence. However, their presence at the scene of occurrence is highly

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doubtful. In this regard, it was pointed out that P.W.18, in his evidence, had stated that he came to know about the occurrence only through information received from his uncle and that he was not present at the scene of occurrence.

3.2. There is an apparent discrepancy between the ocular and medical evidence. While the prosecution version attributes only a single stab injury to the petitioner/appellant, the medical evidence discloses multiple injuries. This discrepancy raises serious doubts regarding the prosecution case and the alleged presence of the eyewitnesses.

3.3. The petitioner was on bail during trial and had not misused the liberty granted to him. He has been in custody since 28.10.2021. There are several arguable points in the appeal and a possibility of interference with the conviction and sentence. Hence, the sentence imposed on the petitioner may be suspended and the petitioner may be enlarged on bail.

4.The respondent police has filed a detailed counter affidavit.

5.The learned Additional Public Prosecutor, relying on the counter affidavit, submitted that the petitioner/appellant bore a grudge against the deceased as she had refused his proposal of love. Along with A2, he had allegedly threatened and followed her and ultimately, attacked her with a knife while she was proceeding to school, resulting in her death. He further submitted that P.W.1 and P.W.18 are eyewitnesses to the occurrence and that

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the trial Court, after properly appreciating the oral and documentary evidence, had rightly convicted A1 and A2. Therefore, he strongly opposed the grant of suspension of sentence and bail.

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

7. This Court has carefully considered the facts and circumstances of the case and the rival submissions made on either side. It is seen that the appeal involves several arguable points requiring detailed consideration. In particular, the presence of P.W.1 and P.W.18, who are the brothers of the deceased and projected as eyewitnesses, appears to be a matter requiring closer scrutiny in the light of the evidence of P.W.18 regarding the manner in which he came to know about the occurrence. Having regard to the above aspects, this Court is inclined to grant the relief of suspension of sentence to the petitioner/appellant.

8. Accordingly, this Criminal Miscellaneous Petition stands **allowed**. Pending disposal of the appeal, the substantive sentence of imprisonment alone imposed on the petitioner is hereby suspended and he is enlarged on bail, subject to the following conditions:-

(i) The petitioner/appellant shall execute a 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 learned Sessions Judge, Mahila Court, Perambalur.

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(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 and;

(iii) The petitioner/appellant shall appear before the trial Court on the first working day of every English calendar month at 10.30 a.m., until further orders.

9. Post the main appeal for hearing in the usual course.

(A.D.J.C.,J.) (B.K.,J.)
17-11-2026

RAA

To
1. The Sessions Judge,
Mahila Court, Perambalur.

2.The Superintendent,
Central Prison, Trichy.

3.The Inspector of Police,
Kunnam Police Station,
Perambalur District.

4.The Public Prosecutor,
High Court, Madras.

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