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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No.13282 of 2026
in
Crl.A.No.905 of 2026

Rajkumar
S/o.Seenivasan,
No.346/5, Shanmuga Sigamani Nagar,
Kovilpatti,
Tuticorin District.

...Petitioner

Vs

The State rep. by the Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai-106.
Crime No.728/2015

...Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 430(1) of B.N.S.S., praying to suspend the sentence and the conviction dated 14-11-2023 passed in SC No.363 of 2023, against the Petitioner/Appellant/Accused by the learned Sessions Judge, Mahalir Neethimandram, Allikulam at Chennai and enlarge the Petitioner/Appellant/Accused on bail, pending disposal of the above appeal

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For Petitioner: Mr.M.Mubeen

For Respondent: Ms.Sharada Vivek
Additional Public Prosecutor.

ORDER

The Criminal Appeal challenges the Judgment passed in S.C.No.363 of 2017 on the file of the learned Sessions Judge, Mahalir Needhimandram, Chennai, by holding the petitioner guilty of the offence under Section 307 of the Indian Penal Code, 1860 (hereinafter referred to as ***"the IPC")*** sentencing him to undergo 7 years RI and to pay a fine of Rs.5,000/- i/d to undergo 6 months SI.

2. Aggrieved by the same, the petitioner has preferred Crl.A.No.905 of 2026 before this Court along with the instant criminal miscellaneous petition.

3. The case of the prosecution is that the petitioner/appellant is the husband of the victim; that after consuming liquor, the petitioner/appellant on 12.06.2015 attacked the victim with a hammer and caused grievous injury and thus committed the aforesaid offence.

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4. The learned counsel for the petitioner would submit that the petitioner has been in custody for almost four years out of the total sentence of seven years; and that the petitioner has raised substantial grounds in the above appeal which requires consideration, and prayed for suspension of sentence pending disposal of the appeal.

5. Heard the learned Additional Public Prosecutor for the respondent and perused the counter affidavit.

6. It is seen from the counter-affidavit that the petitioner as on 11.08.2026 was in custody for 1388 days, which is almost four years as on date.

7. The petitioner has raised substantial grounds in the above appeal. The appeal is not likely to be taken up in the near future. Considering the above facts and the period of incarceration, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

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8. Accordingly, this criminal miscellaneous petition stands allowed, and the sentence imposed on the petitioner is suspended till the disposal of the above criminal appeal, and the petitioner is ordered to be released on bail on the following conditions:

(a).The petitioner 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 learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai;

(b). 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

(c). The petitioner shall stay at Chennai and report before C1 Flower Bazaar Police Station Chennai, every day at 10.30 a.m., until further orders.

03-11-2026
(1/2)

dk

Note: Issue order copy today.

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To

1.The Sessions Judge,

Special Court for Exclusive of Cases under POCSO Act,

Chennai.

2. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.

3. The State rep. by the Inspector of Police
K-8, Arumbakkam Police Station,
Chennai-106.

4. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

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SUNDER MOHAN, J.

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