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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.19251 of 2026 in Crl.A.No.1235 of 2026

Nesamani

..Petitioner(s)

Vs

The State of Tamil Nadu rep. by Inspector of Police
Neravy Police Station, Karaikal.
Crime No.20 of 2021

..Respondent(s)

Prayer: Petition filed under Section 430(1) of the BNSS, 2023, to suspend the execution of the sentence of imprisonment imposed on the Petitioner by the judgment dated 13.07.2026 passed by the learned Sessions Judge At Karaikal, in S.C.No.40 of 2021, and enlarge the Petitioner on bail, pending disposal of the criminal appeal.

For Petitioner(s): Mr.U.Karunakaran

For Respondent(s): Mr.A.Alexander
Government Advocate (Puducherry)

ORDER

The appeal challenges the judgment passed in S.C.No.40 of 2021 dated 13.07.2026 by the Sessions Judge (FAC), Karaikal, holding the petitioner guilty of offence under Section 307 of the Indian Penal Code, 1860[1], sentencing him to undergo seven years rigorous imprisonment and to pay fine of Rs.20,000/-.

[1] *In short, hereinafter referred as "IPC".*

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2. It is the case of the prosecution that the appellant and the victim had a love affair for about eight years; that on the promise of marriage, the petitioner had sexual intercourse with the victim girl on several occasions and thereafter, he refused to marry her; that on the day of occurrence, that is on 04.04.2021, at about 1:00 AM, he called the victim to the backyard of her house and attempted to cause her death by strangling her neck with a nylon rope and thus, committed the offence under Sections 417, 376 and 307 IPC. On the complaint given by the victim girl, a case was registered and upon investigation, final report was filed against the petitioner for the aforesaid offences. The Trial Court found that the petitioner is not guilty of the offences under Sections 417 and 376 IPC and held him guilty of offences under Section 307 IPC and sentenced him as stated above.

3. *Mr.U.Karunakaran*, learned counsel appearing for the petitioner would submit that the impugned judgment is liable to be set aside, as there is no other evidence to show that the petitioner attempted to strangulate the victim apart from the victim's statement, which does not inspire confidence; that there is no evidence to show that the petitioner called the victim to the backyard at about 1:00 AM on the day of occurrence and in view of the finding of the Trial Court, holding the petitioner not guilty of the offences under Section 417 and 376 IPC, the impugned judgment, even in respect of Section 307 IPC, is liable to be set aside.

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4. Heard *Mr.A.Alexander*, learned Government Advocate (Puducherry) for the respondent and perused the counter affidavit filed by the respondent.

5. The petitioner has raised substantial grounds, which are to be considered in the above appeal. The petitioner, admittedly, was acquitted of the offences under Sections 417 and 376 IPC. It has to be examined in the above appeal as to whether the petitioner is guilty of the offence under Section 307 IPC.

6. Considering the above facts, and since a fixed sentence of imprisonment has been imposed on the petitioner and the appeal is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

7. 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, Karaikal;

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(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 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.

28-10-2026

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Note: Issue order copy on 28.10.2026.

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To:

1. Inspector of Police
   Neravy Police Station, Karaikal.
   Crime No.20 of 2021.

2. The Superintendent of Police,
   Central Prison, Puducherry.

3. The Sessions Judge, Karaikal.

4. The Public Prosecutor,
   Madras High Court, Chennai.

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SUNDER MOHAN, J.

(*drm*)

Crl.M.P.No.19251 of 2026 in Crl.A.No.1235 of 2026

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