



Crl. MP No 4049 of 2026 in Crl A No. 1083 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2026

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

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in Crl A No. 1083 of 2022

C.Nagaraj (M/49)
S/o. Chinnasennanaikar,
No.159, Kombukattur,
Mylambadi, Bhavani Taluk,
Erode District.
(The accused is now confined at
Coimbatore Central Prison)

.. Petitioner

VS

The State
Rep. by its Inspector of Police,
Bhavani Police Station,
In Crime No. 256 of 2017,
Salem District.

.. Respondent

Prayer : Petition filed under Section 430(2) of BNSS to suspend the sentence of conviction imposed in the judgment dated 13.09.2022 made in SC No. 127 of 2018 on the file of the learned Sessions Judge, Magalir Needhi Mandram, Fast Track Mahila Court of Erode and release the petitioner on bail pending disposal of appeal.



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For Petitioner : Mr.B.M.Subash
For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor

ORDER

(Made by SUNDER MOHAN, J.)

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner /A1 by the learned Sessions Judge, Magalir Needhi Mandram (Fast Track Mahila Court), Erode in S.C.No. 127 of 2018, by the judgment dated 13.09.2022, and enlarge him on bail, pending disposal of the above criminal appeal.

2. The learned Sessions Judge, Magalir Needhi Mandram (Fast Track Mahila Court), Erode in S.C.No. 127 of 2018, convicted the petitioner herein for the offence under Section 302 r/w 34 IPC and sentenced him to undergo life imprisonment and to pay a fine of Rs.5,000/-, in default to undergo three months simple imprisonment and under Section 294(b) to undergo one month simple imprisonment, imposing the sentence to run concurrently.

3. Challenging the above conviction and sentence, the petitioner who has been arrayed as A1, has filed this appeal and seeks suspension of sentence and bail in the present miscellaneous petition.



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4. Heard Mr.B.M.Subash, learned counsel for the petitioner and Mr.S.Raja Kumar, learned Additional Public Prosecutor, appearing for the respondent / State.

5. The case of the prosecution is that the deceased and the accused owned adjacent agricultural lands; that they shared a common cart track to go to their the agricultural fields; that they had dispute over the usage of the said common cart track; that the deceased laid a pipeline on the common track; that due to the said dispute on 06.05.2017 at about 1 pm, when the deceased and his mother were passing through the common track to reach their field, the accused prevented them and attacked them with iron rod causing injury on the left eyebrow and left forehead, as a result of which, the deceased succumbed to the injuries.

6. The learned counsel for the petitioner submitted that the petitioner along with other family members have been roped in falsely; that the occurrence did not take place in the manner alleged by the prosecution; that the second accused had sustained grievous injuries and she had lodged a complaint in Crime No.255 of 2017 and the said injuries have not been explained by the prosecution; that the deceased died two days after the occurrence and he underwent a surgery in the meantime and, therefore, the offences alleged by the prosecution are not made out.



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7. The learned counsel further submitted that the sentences imposed on A3 and A4 who are similarly placed was suspended by this Court vide order dated 02.11.2023 in Crl MP No. 38 of 2023 in Crl A No. 1083 of 2022.

8. The learned Additional Public Prosecutor, per contra, submitted that the prosecution has established its case beyond reasonable doubt; that PW1 evidence has not been shaken in the cross examination and non explanation of the injury on A2 would not be fatal to the prosecution and prayed for dismissal of this petition.

9. Admittedly, after the case was registered against the petitioner and others a counter case was lodged against the witnesses in this case. The injuries of A2 has not been explained by the prosecution. The deceased died two days after the occurrence. The accident register suggests that there were no external injuries on the deceased.

10. Considering the evidence on record, we are prima facie of the view that the prosecution has not brought on record all the facts. The genesis and origin of the occurrence has been suppressed by the prosecution as the injuries on A2 has not been explained. Hence, the petitioner has made out a case for suspension of sentence. Further, this



Court had suspended the sentence imposed on similarly placed co-accused A3/A4 by order dated 02.11.2023.

11. Considering the above facts, the fact that the petitioner is in custody from 30.09.2022 and the appeal is not likely to be taken up in the near future, this Court is inclined to suspend the sentence imposed on the petitioner herein.

12. Accordingly, this Criminal Miscellaneous Petition stands allowed and the sentence of imprisonment imposed on the petitioner / A1 is suspended on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- with two sureties, of whom, one should be a blood relative, for a like sum to the satisfaction of the learned Sessions Judge, Magalir Needhi Mandram (Fast Track Mahila Court), Erode;

(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 number to ensure their identity;

(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



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*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.]

06.04.2026

Neutral Citation: Yes/No
ssm

Note to Registry : Issue Today



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To

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1. The Sessions Judge,
Magalir Needhi Mandram,
(Fast Track Mahila Court), Erode.
2. The Inspector of Police,
Bhavani Police Station,
In Crime No. 256 of 2017,
Salem District.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court, Madras.



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and
SUNDER MOHAN,J.

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