WEB COPY

Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Case QR

DATED: 04-11-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 18930 of 2026
AND
CRL A NO. 1217 OF 2026

Siva
S/o Sasi Kumar,
Sivananda Street,
Kanchikonampalayam,
Vellalur, Coimbatore.
Now confined at
Central Prison, Coimbatore.

..Petitioner/Accused

Vs

The State Rep by
The Assistant Commissioner of Police
Coimbatore City (South),
(Podanur Police Station)
(Crime No.818 of 2021).

..Respondent(s)

Prayer : Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, praying to suspend the Sentence imposed by the Trial Court by Judgment dated 31.08.2026 in Spl.S.C.No.113 of 2023 on the file of the Special Court for Trial of Cases under SC/ST(POA) act, Coimbatore, and enlarge the petitioner on bail pending disposal of the above Criminal Appeal by allowing this Petition.

For Petitioner(s): Mr.R.Sivakumar

For Respondent(s): Ms. Sharada Vivek,
Additional Public Prosecutor

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

WEB COPY

Order

The Criminal Appeal challenges the Judgment passed in Spl.S.C.No.113 of 2023 by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Coimbatore holding the petitioner guilty of the offence under Sections 294(b) and 326 of I.P.C. and sentencing him as follows:

Offence under Section	***Sentence imposed***
294(b) of IPC	To pay a fine of Rs.1,000/-, in default to undergo simple imprisonment of three months.
326 of IPC	To undergo rigorous imprisonment for ten years and to pay a fine of Rs.10,000/-, in default to undergo simple imprisonment for a further period of six months.

2. The case of the prosecution is that the petitioner had grudge against the deceased, since he refused to advance hand loan to his mother-in-law, who was the neighbour of the deceased; that on 28.07.2021 at about 7:45 p.m., while the deceased was walking, the petitioner went towards him, threatening to hit him with the vehicle; that when the deceased questioned, the petitioner picked up a wooden log from the front portion of his mother-in-law's house, attacked the deceased on his head, pushed him down and repeatedly kicked him on his chest; that the deceased was initially taken to St. Mary's Hospital and subsequently shifted to Sri Abirami hospital, where PW12/Doctor treated him; that thereafter he died due to Cardiac Arrest on 29.07.2021 at about 5 a.m.

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

WEB COPY

3. The trial Court found that the petitioner is not guilty of the offence of murder based on the medical evidence and held him guilty of the offence under Section 326 of I.P.C. as stated above.

4. Learned counsel for the petitioner would submit that the allegations against the petitioner has been exaggerated; that the petitioner had not caused any injury by wooden log on the deceased; that the prosecution had suppressed the medical records relating to the deceased at St. Mary's Hospital, where he was initially taken for treatment; that PW12, the Doctor, who had examined him at Sri Abirami hospital, had stated that the deceased had only abrasion on his forehead measuring 2 x 1 cm, and another abrasion in the right leg measuring 1 x 1 cm; that the deceased admittedly died due to Cardiac Arrest and that even the injury in the ribs was sustained due to resuscitation as per the post-mortem report. Hence, prayed for granting suspension of sentence to the petitioner.

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

6. This Court is of the view that the petitioner has been imposed fixed sentence of imprisonment and he has been in custody from 31.08.2026. On a perusal of the records, this Court finds considerable force in the submission made by the learned counsel for the petitioner, and that the petitioner has made out a *prima-facie* case for suspension of sentence. The appeal is not likely to be

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

WEB COPY

taken up in the near future. Hence, 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, Special Court for Trial of Cases under SC/ST (POA) Act, Coimbatore;

(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.

04-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
RSI

Note: Issue order copy on 05.11.2026

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

WEB COPY

To

1.The Sessions Judge,
Special Court for Trial of Cases under SC/ST (POA) Act,
Coimbatore.

2.The Assistant Commissioner of Police
Coimbatore City (South),
(Podanur Police Station)

3.The Superintendent of Prison,
Central Prison, Coimbatore.

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

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

WEB COPY

SUNDER MOHAN J.

RSI

CRL MP No. 18930 of 2026
AND
CRL A NO. 1217 OF 2026

04-11-2026

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