



Crl M P No. 19072 of 2025 in Crl. A.No. 1583 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved On : 10.04.2026

Pronounced On : 30.04.2026

CORAM :

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

**Crl.M.P.No. 19072 of 2025
in Crl.A.No. 1583 of 2025**

1.M.Manoharan (M/A 63 years),
Head Constable – 11285,
J4- Kotturpuram Police Station,
Chennai – 600 085.

2.K.N.Harihara Subramanian (M/67 Years),
Head Constable – 11673,
J4-Kotturpuram Police Station,
Chennai – 600 085.

.. Petitioners

VS

State Rep. by
Tr.C.Rajendran
Sub Divisional Magistrate and
Additional Personal Assistant to the Collector,
Chennai Collectorate,
Chennai – 1.
(J4 Kotturpuram Police Station in Cr.No.47/2009)

.. Respondent

Prayer : Petition filed under Section 389(1) of Cr.P.C. u/s 430 (2) of
BNSS Act to suspend the sentence imposed in S.C.No.183 of 2017 dated



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23.09.2025 on the file of the VI Additional Sessions Judge, Chennai by

enlarging the petitioners on bail pending disposal of Criminal Appeal before this Court.

For Petitioner(s) : Mr.R.Singaravelan
Senior Counsel
for Mr.B.Nithish Raman for P1
Mr.M.Rajkumar
for Mr.T.Muruganantham for P2

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor

ORDER

(Made by Dr. ANITA SUMANTH, J.)

This miscellaneous petition has been filed seeking suspension of sentence passed on 23.09.2025 by the learned VI Additional Sessions Judge, Chennai. The petitioners are A2 and A3.

2.We have heard Mr.R.Singaravelan, learned Senior Counsel for Mr.B.Nithish Raman, learned counsel for P1, Mr.M.Rajkumar, learned counsel for Mr.T.Muruganantham, learned counsel for P2 and Mr.S.Raja Kumar, learned Additional Public Prosecutor for the respondent.

3.The case of the prosecution is that the deceased had been arrested on 12.03.2009, subject to harassment and severe assault by the police authorities, including the petitioners. As a result of the harassment, he succumbed, after reaching his home at around 11.45 p.m. on the same



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day.

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4.The prosecution has relied on the deposition of the victim's father (PW1) and other witnesses and their case has been accepted by the trial Court, that has convicted all the accused.

5.Before us, Mr.R.Singaravelan, learned Senior Counsel would draw attention to the specific averment in the deposition of PW1, the father of the deceased wherein he states 'மனோகர் அடிக்கவில்லை'. M.Manoharan is P1 before us. He also draws our attention to the statement of PW8, one T.Rajendra Prasad, who also states in his deposition that the first petitioner had left the station in the course of the investigation of the victim by the police.

6.We have perused the depositions of PW1 and PW8 and find that the above averments do figure therein though not noticed by the trial Court. Prima facie, it appears to us that the depositions of the witnesses have been adverted to selectively, and not holistically, as should have in the case. A prima facie case has thus been made out in regard to the suspension of sentence of the first petitioner.

7. Coming to the second petitioner, PW11, in her deposition states that the second petitioner was in the ground floor, whereas the victim/deceased had been taken to the first floor of the police station where he had been allegedly assaulted. In such circumstances, the



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question that would arise is as to whether at all the second petitioner had been present at the time of the assault of the victim.

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8. The statement of PW11 has also not been discussed by the trial Court. Hence, prima facie case is made out to suspend the sentence qua the second petitioner as well.

9. In summary, in light of the observations in the depositions of the witnesses to the effect that the first and second petitioners were not in the scene of occurrence on 12.03.2009, the allegations of assault of the victim / deceased are not substantiated. This criminal miscellaneous petition is allowed and the sentence of imprisonment qua P1 and P2 is suspended, subject to the following conditions:

(i) Each of the petitioners shall execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned XVIII Metropolitan Magistrate Court, Saidapet, Chennai.

(ii) 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

(iii) The petitioners 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 they are not able to appear before the trial Court on any day, they shall make



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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 their absence, as directed by the trial
Court.

[A.S.M, J.] [S.M, J.]
30.04.2026

vs

Index: Yes/No

Speaking Order / Non-speaking Order

Neutral Citation: Yes/No

Note to Registry: Issue Today

To

1. Tr.C.Rajendran

Sub Divisional Magistrate and

Additional Personal Assistant to the Collector,
Chennai Collectorate,
Chennai – 1.

(J4 Kotturpuram Police Station in Cr.No.47/2009)

2.The Public Prosecutor,
High Court, Madras.

3. The VI Additional Sessions Judge, Chennai.

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

5.The XVIII Metropolitan Magistrate Court, Saidapet, Chennai.



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SUNDER MOHAN,J.

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