



WEB COPY

CRL MP No. 4715 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 4715 of 2026

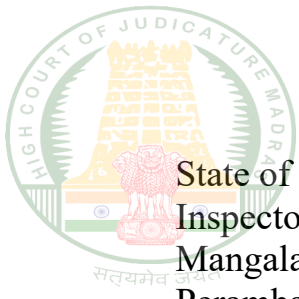
AND

CRL A NO. 272 OF 2026

1. Latha
W/o.Selvaraj,
residing at East Street,
Ezhumur Village,
Kunnam Taluk,
Perambalur District.
2. Rajendran
S/o.Nallu,
residing at East Street,
Ezhumur Village,
Kunnam Taluk,
Perambalur District.
3. Arivazhagan
S/o.Rajendran,
residing at East Street,
Ezhumur Village,
Kunnam Taluk,
Perambalur District.
4. Karthick
S/o.Rajendran,
residing at East Street,
Ezhumur Village,
Kunnam Taluk,
Perambalur District.

..Petitioner(s)

Vs



State of Tamilnadu Rep. by its
Inspector of Police,
Mangalamedu Police Station,
Perambalur District.
Crime No. 357/2018.

..Respondent(s)

Prayer : Petition filed u/s 430 (1) of BNSS Act to suspend the sentence of petitioners/A1 to A4, convicted for the offence punishable U/s. 323 of IPC and they shall suffer a 6 months Simple Imprisonment each and A1 U/s.302 r/w 34 of IPC to suffer a Life Imprisonment with a fine of Rs.1,000/- in default to suffer 6 months Simple Imprisonment, A2 to A4 U/s.302 IPC to undergo Life Imprisonment with a fine of Rs.1,000/- each in default to undergo 6 months Simple Imprisonment imposed in the judgment dated 04.11.2025 in S.C.No. 9 of 2021, on the file of the Learned Principal District and Sessions Judge, Perambalur, and enlarge the petitioners on bail pending disposal of the Criminal Appeal.

For Petitioner(s):

Mr.Manoharan S. Sundaram
for Mr.R.Selvakumar
(for 1st Petitioner/A1)

Mr. G.Periyaperumal
(for 2nd to 4th Petitioners/A2 To A4)

For Respondent(s):

Mr. C.R. Malarvannan
Counsel For Government Of Tamil Nadu
(Criminal Side)



ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

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Four petitioners seek suspension of sentence imposed vide judgment dated 04.11.2025, passed by the Principal District and Sessions Judge, Perambalur District.

2. We have heard Mr.Manoharan S. Sundaram, learned counsel appearing for Mr.R.Selvakumar, learned counsel on record for the 1st Petitioner/A1, Mr.G.Periyaperumal, learned counsel for 2nd to 4th Petitioners/A2 To A4 and Mr.C.R.Malarvannan, learned Counsel for Government of Tamil Nadu (Criminal Side) for the respondent.

3. At the outset, we record the endorsement of Mr.G.Periyaperumal, learned counsel on record who withdraws this petition qua P2 to P4/A2 to A4. Hence, this Miscellaneous Petition is dismissed as withdrawn qua P2 to P4 and we proceed to decide this petition qua P1/A1 alone.

4. The case of the prosecution is that on account of the dispute between P1 and her family members, and the deceased, the latter had been attacked and assaulted on 23.08.2018 by the accused at about 8.30 pm, the deceased had sustained grievous injuries and been taken to the Government Hospital, Perambalur, where he was referred to the Trichy Government Hospital for further treatment, and that he had succumbed to the injuries on 25.08.2018. P1, arrayed as A1 in the charge sheet has been convicted for offences under Section 120(b), 148, 294(b), 323, 506(ii) and 302 read with 34 of the IPC.

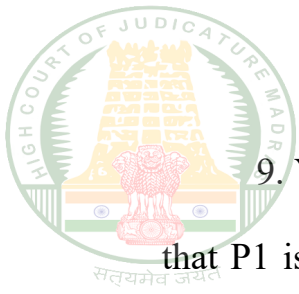


5. Learned counsel for P1 would submit that P1 had neither attacked nor assaulted the deceased, and there is no material on record to indicate the involvement of P1 in the events leading to the demise of the deceased. The aforesaid submission would, in fact, be supported by the admitted case of the prosecution which is that, though A1 had accompanied the other accused to the house of the deceased, she had proceeded to attack the wife of the deceased (PW1) by tearing her hair and kicking her.

6. The family of the accused and deceased are neighbours and the genesis of the dispute interse, appears to be the closure of a pathway leading to a field, over which there were rival claims of ownership between the accused and the deceased.

7. The admitted case of the prosecution, is that all the accused, enraged with the closure of the pathway, had gone to the house of the deceased. The deceased along with his wife were inside the house, and A1 proceeded to attack P.W.1, tearing her hair and kicking her. The other accused proceeded to attack and assault the deceased.

8. Thus, even according to the prosecution, it appears prima facie, that the assault of the deceased and inflicting of injuries on him were by the other accused. There is no allegation, or even any charge to the effect that A1 had any role to play in the inflicting of injuries upon the deceased. There is no evidence to show that P1 had conspired or had shared the common intention to cause the death of the deceased.



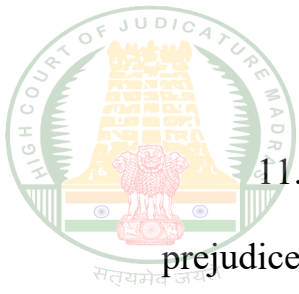
9. Yet another mitigating factor to be taken into account at this juncture is that P1 is stated to have two school going children who would be deprived of her attention and presence, by her continued incarceration. The appeal, being of the year 2026, is not expected to be taken up immediately.

10. Hence, we are of the considered view that a prima facie case has been made out to suspend the sentence of life imprisonment that has been awarded to A1, and for the above reasons, allow this Criminal Miscellaneous Petition qua 1st petitioner/A1. The sentence of imprisonment qua 1st petitioner/A1 is suspended, subject to the following conditions:

(i) the 1st petitioner 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 Judicial Magistrate, Additional Mahila Court, Perambalur.

(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 1st petitioner shall appear before the trial Court on the first working day of every week at 10.30 a.m. until the disposal of the appeal and if she is not able to appear before the trial Court on any day, she 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 her absence, as directed by the trial Court.



11. We make it clear that the observations in this order shall not prejudice the case of the other accused, and have been made only in consideration of the case of the 1st Petitioner.

(A.S.M.,J.) (S.M.,J.)
12-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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Note to Registry: Issue Today.

To

- 1.The Inspector of Police,
Mangalamedu Police Station,
Perambalur District.
- 2.The Public Prosecutor,
High Court, Madras.
3. The Judicial Magistrate, Additional Mahila
Court, Perambalur.
- 4.The Superintendent of Prison, Special Prison for
Women, Trichy.
- 5.The Principal District and Sessions Judge,
Perambalur District.



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**DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.**

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