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Crl.M.P.No.346 of 2026
in Crl.A.No.1156 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.346 of 2026
in Crl.A.No.1156 of 2025

Iyappan

... Petitioner /Appellant

Vs.

The State by,
Inspector of Police,
Latheri Police Station,
Crime No.831 of 2020

... Respondent/Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430(1) of BNSS, praying to suspend the sentence imposed in S.C No.36 of 2022 dated 09.06.2025 imposed by the learned Mahila Court (Fast Track Court for Mahila Cases) Vellore, Vellore District, pending disposal of the above appeal.

For Petitioner	: Mr.D.Senthur Kugan for Mr.M.Akash
For Respondent	: Mr.S.Balaji, Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by judgment dated 09.06.2025 passed in



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S.C.No.36 of 2022 by the learned Mahila Court (Fast Track Court for Mahila Cases) Vellore, Vellore District, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. The petitioner/accused in S.C.No.36 of 2022 was convicted by the Trial Court by judgment dated 09.06.2025, for the offences under Section 307 of IPC and sentenced him undergo 10 years rigorous imprisonment and to pay a fine of Rs.15,000/-, in default, to undergo six months simple imprisonment for the offence under Section 307 IPC. Aggrieved by the same, he filed Crl.A.No.1156 of 2025 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

3.The case of the prosecution is that the petitioner and the victim had an extra-marital affair; that since the victim had severed the relationship, the petitioner was aggrieved and intended to cause the death of the victim girl; that therefore, he poured kerosene on the victim girl and set her on fire, which had caused burn injuries to the extent of 40%.



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4.The learned counsel for the petitioner would submit that this is the second petition for suspension of sentence; that earlier certain vital facts were not brought to the notice of this Court and therefore, the earlier petition was dismissed; that the evidence of the witnesses PW1 to PW3 do not inspire confidence; that the conduct of the appellant in trying to save the victim by putting down the fire and taking her to the hospital would show that the alleged occurrences did not take place in the manner alleged by the prosecution; that the fact that the wife of the petitioner was also present at the time of the alleged occurrence would also show that the alleged occurrences did not take place in the manner alleged by the prosecution.

5.The learned Government Advocate(Crl. Side) per contra submitted that the earlier petitioner filed for suspension of sentence was dismissed on 05.08.2025 and this Court had considered all these submissions and dismissed the petition. The learned Government Advocate (Crl. Side) also fairly submitted that PW9, who had supported the appellant has not been cross-examined by the prosecution; that the independent witness PW4 had stated that the petitioner had tried to save the victim and had taken her to the hospital.



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6.The petitioner is in custody from 09.06.2025. The alleged occurrences is said to have taken place in the presence of PW9, the wife of the petitioner. PW9, the wife of the petitioner had stated that the victim set fire on herself by pouring kerosene. The prosecution has not treated PW9's witness as hostile though her evidence is contrary to the prosecution case. That apart, PW4, an independent witness, who was treated hostile had stated that the petitioner was trying to put off the fire and he also sustained burn injuries. Considering the above facts, this Court is of view that the petitioner has made out a *prima facie* case for suspension of sentence.

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:

- (i)The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned Mahila Court (Fast Track Court for Mahila Cases), Vellore;
- (ii)The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court



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may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

(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 appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

10.02.2026

Tsg

Note: Issue order copy on 11.02.2026

To

- 1.The Mahila Court,
Fast Track Court for Mahila Cases,
Vellore.
- 2.The Superintendent,
Central Prison, Vellore.
- 3.The Inspector of Police,
Latheri Police Station,
Crime No.831 of 2020
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

Tsg

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