



Crl.M.P.No.438 of 2026
in Crl.R.C.No.59 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2026

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.438 of 2026

in

Crl.R.C.No.59 of 2026

1.Sidhar @ Gnanasekar

2.Yonak @ Gnanadurai

... Petitioners

Vs.

The State Represented by
The Inspector of Police,
Pollachi Town East Police Station.
Crime No.233 of 2015

... Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Sections 438 and 442 of BNSS, praying to suspend the sentence imposed on the petitioners in S.C.No.252 of 2015 dated 09.11.2022, as partly confirmed by the V Additional District and Sessions Court, Coimbatore, in Crl.A.No.131 of 2022 dated 17.11.2025, pending disposal of the above Criminal Revision Petition.

For Petitioners : Mr.V.Janarthanan

For Respondent : Mr.R.Vinoth Raja,
Government Advocate (Crl.Side)

ORDER

The petitioners have preferred the above revision challenging the judgment passed by the V Additional District and Sessions Court, Coimbatore,



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in Crl.A.No.131 of 2022 dated 17.11.2025, partly confirming the judgment of

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the learned Magistrate convicting the petitioners for the following offences:

Accused	Conviction under Sections	Sentence awarded
A1	307 of IPC	To undergo rigorous imprisonment for seven years and to pay a fine of Rs.5,000/- and in default to undergo simple imprisonment for three months.
A2	307 r/w 34 of IPC	To undergo rigorous imprisonment for seven years and to pay a fine of Rs.5,000/- and in default to undergo simple imprisonment for three months.

2. Aggrieved by the same, the petitioners have filed Crl.R.C.No.59 of 2026 before this Court, along with the instant criminal miscellaneous petition, seeking suspension of sentence.

3. The case of the prosecution is that the petitioners attacked the de facto complainant with a knife and caused grievous injuries due to prior enmity on 16.06.2015 and thus committed the aforesaid offence.



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4. The learned counsel for the petitioners would submit that the alleged occurrence could not have taken place in the manner alleged by the prosecution; that PW7, the injured witness, had admitted in cross-examination that he, along with the other witnesses, went to the house of the accused at 1.15 a.m., on the date of occurrence; and therefore, the accused were not the aggressors and that the petitioners have raised substantial grounds in the above revision.

5. Heard the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. It is seen from the evidence that the occurrence took place in the house of the accused. It further appears from the evidence that PW7 and the other witnesses went to the house of the accused at 1.15 a.m. PW7 is unable to explain as to why he went to the house of the accused at that time.

7. Considering all the above facts, this Court is of the *prima facie* view that the occurrence had not taken place in the manner alleged and that the petitioners have raised substantial grounds in the revision which require consideration. Hence, this Court is inclined to suspend the sentence imposed



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on the petitioners, subject to the following conditions:

- (i) The petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Pollachi;
- (ii) The petitioners 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;
- (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 revision and if they are not able to appear before the Trial Court on any day, they 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 their absence, as directed by the Trial Court.

8. Accordingly, this Criminal Miscellaneous Petition is ordered.

27.01.2026

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To

- 1.The V Additional District and Sessions Court, Coimbatore.
- 2.The Assistant Sessions Judge, Pollachi.
- 3.The Judicial Magistrate No.I, Pollachi.
- 4.The Inspector of Police,
Pollachi Town East Police Station.
- 5.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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