



Crl.M.P.Nos.24863 & 24864 of 2025
in Crl.R.C.No.2884 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2026

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.M.P.Nos.24863 & 24864 of 2025

in

Crl.R.C.No.2884 of 2025

Samudi

...Petitioner

-VS-

The State Rep. The Sub Inspector of Police,
Thimmampettai Police Station,
Thirupattur District.
(Crime No.282/2020)

...Respondent

PRAYER in Crl.M.P.No.24863 of 2025: Criminal Miscellaneous Petition filed under Section 438 r/w 483 of BNSS, praying to suspend the sentence passed by the learned District Sessions Judge, Thirupattur, Thirupattur District in Crl.A.No.2 of 2024 dated 18.11.2025 by confirming the judgment and sentence passed in C.C.No.138 of 2021 dated 03.04.2024 by the learned Judicial Magistrate, Vaniyambodi, Thirupattur District (Vellore District) and enlarge the petitioner on bail pending disposal of the revision.

PRAYER in Crl.M.P.No.24864 of 2025: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to allow the petition for exempting the petitioner from his surrender before the learned Judicial Magistrate,
1/6



Crl.M.P.Nos.24863 & 24864 of 2025
in Crl.R.C.No.2884 of 2025

Vaniyambodi, Thirupattur District (Vellore District) in C.C.No.138/2021 dated 03.04.2024 and confirmed the judgment and sentence by the learned District and Sessions Judge, Thirupattur, Thirupattur District in Crl.A.No.2 of 2024 dated 18.11.2025 pending disposal of the revision.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.S.Balaji

Government Advocate (Crl.Side)

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment passed by the learned District and Sessions Judge, Thirupattur, Thirupattur District in Crl.A.No.2 of 2024, dated 18.11.2025, confirming the judgment of the learned Judicial Magistrate, Vaniyambodi, convicting the petitioner for the offence under Section 326 IPC and sentenced him to undergo three years Rigorous Imprisonment and to pay a fine of Rs.3,000/-, in default, to undergo Simple Imprisonment for three months. The instant petitions have been filed to suspend the sentence imposed on the petitioner and to exempt the petitioner from surrendering before the Trial Court, pending disposal of the above revision.



Crl.M.P.Nos.24863 & 24864 of 2025
in Crl.R.C.No.2884 of 2025

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2.The gist of the allegation as against the petitioner is that the petitioner along with the other accused had attacked the victim with a wooden log and caused grievous injuries on account of previous enmity and thus committed the aforesaid offence.

3. The learned counsel for the petitioner would submit that the impugned judgments are liable to be set aside as the ocular evidence has not been corroborated by the medical evidence; that the evidence of the Doctor would show that the victim sustained a cut injury and the said injury could not have been caused by a wooden log as projected by the prosecution; that though the victim had stated before the Doctor that three persons have attacked him, the prosecution has prosecuted the petitioner as well as the second accused, who was acquitted by the trial Court and that considering the discrepancies, prayed for suspending the sentence imposed on the petitioner.

4.Heard the learned Government Advocate (Crl.Side) appearing for the respondent.

5.This Court had perused the evidence produced on the side of the prosecution and the judgments impugned.

3/6



Crl.M.P.Nos.24863 & 24864 of 2025
in Crl.R.C.No.2884 of 2025

6. Having regard to the submission made by the learned counsel for the petitioner that there are substantial grounds raised in the above revision which require consideration, and as there are material contradictions between the ocular evidence and the medical evidence, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the Trial Court, subject to 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 District Munsif cum Judicial Magistrate, Vaniyambodi;

(ii)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

(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 revision 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



Crl.M.P.Nos.24863 & 24864 of 2025
in Crl.R.C.No.2884 of 2025

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.

7. Accordingly, these Criminal Miscellaneous Petitions are ordered

02.01.2026
(2/2)

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To

- 1.The District Sessions Judge,
Thirupattur.
- 2.The Judicial Magistrate,
Vaniyambodi,
Thirupattur District (Vellore District).
- 3.The Sub Inspector of Police,
Thimmampettai Police Station,
Thirupattur District.
- 4.The Public Prosecutor,
High Court, Madras.



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Crl.M.P.Nos.24863 & 24864 of 2025
in Crl.R.C.No.2884 of 2025

SUNDER MOHAN, J.

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Crl.M.P.Nos.24863 & 24864 of 2025
in
Crl.R.C.No.2884 of 2025

02.01.2026
(2/2)