



Crl.M.P.No.24898 of 2025
in
Crl.A.No.1969 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2026

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Crl.M.P.No.24898 of 2025
in
Crl.A.No.1969 of 2025

Janakiraman

... Petitioner

Versus

State Rep.by
The Inspector of Police,
Gingee Police Station,
Villupuram District,
Crime No.168 of 2023.

... Respondent

Prayer : Criminal Miscellaneous Petition filed under Section 430 of BNSS/389(1) Cr.P.C., seeking to suspend the sentence and conviction imposed against the petitioner by judgment dated 10.11.2025 in S.C.No.01 of 2025 passed by the learned I Additional District and Sessions Judge, Tindivanam and enlarge the petitioner on bail till the disposal of the above Criminal Appeal.



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For Petitioner : Mr.V.R.Appaswamee
For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

(Order of the Court was made by P.VELMURUGAN, J.)

This Criminal Miscellaneous Petition has been filed by the petitioner/A1 seeking to suspend the sentence and conviction imposed on him in S.C.No.01 of 2025, dated 10.11.2025 by the learned I Additional District and Sessions Judge, Tindivanam and enlarge him on bail till the disposal of the above Criminal Appeal.

2. The conviction and sentence imposed against the petitioner/appellant/A1 is as follows:-

<i>Under Section</i>	<i>Sentence</i>
120B read with 302 IPC	Life imprisonment and to pay a fine of Rs.10,000/- in default, to undergo three months simple imprisonment.
307 IPC	Imprisonment for ten years and to pay a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment.
	All the sentences are ordered to run concurrently.



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3. The learned counsel for the petitioner submitted that the trial Court erroneously convicted the petitioner/A1 for the offence under Section 120B read with 302 IPC, though neither the final report nor the alteration report included the said provision. It is contended that the trial Court, without any proper justification, convicted the petitioner under Section 120B read with 302 IPC, even when the injured is admittedly alive. Such finding, in the absence of any foundational material, is arbitrary and unsustainable.

4. Heard the learned counsel for the petitioner/appellant/A1 and the learned Additional Public Prosecutor appearing for the respondent and perused the materials on record.

5. It is seen from the records that charge sheet was laid against the accused for the offences punishable under Sections 120B, 294(b), 307, 326, 364 and 114 IPC, and an alteration report was also laid for the aforesaid charges. However, the trial Court framed charges against A1 for the offences punishable under Sections 120B read with 302 and 307 IPC, though Section 302 IPC did not find place either in the final report or in the alteration report.



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6. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner/appellant/A1, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, suspension of sentence is granted, on the following conditions :-

- i.The petitioner/appellant/A1 shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned I Additional District and Sessions Judge, Tindivanam;
- ii.The petitioner/appellant/A1 shall appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

[P.V.,J.] [M.J.R.,J.]

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To

1. The I Additional District and Sessions Judge,
Tindivanam.
2. The Inspector of Police,
Gingee Police Station,
Villupuram District.
3. The Superintendent,
Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court, Madras.



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M.JOTHIRAMAN, J.,

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