



CrIMP(MD)No.1763 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 16.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrIMP(MD)No.1763 of 2026
in
Crl A(MD)No.127 of 2026**

N.Isar Ali

Vs

...Petitioner

**The State of Tamil Nadu rep by
the Inspector of Police,
Thillainagar Police Station,
Trichy District.
[Crime No.670 of 2024]**

... Respondent

PRAYER: Petition filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence and conviction imposed by the Principal District and Sessions Judge, Tiruchirappalli dated 19.12.2025 made in SC.No.37 of 2025.

For Petitioner : Mr.S.Ramsundarvijayraj

**For Respondent : Mrs.V.Moushica,
Government Advocate**



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ORDER

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The petitioner is the sole accused in SC.No.37 of 2025 on the file of the Principal District and Sessions Court, Tiruchirappalli. He was prosecuted for the offence under Sections 296(b) and 103(1) of BNS. By judgment dated 19.12.2025, the petitioner was found guilty, convicted and sentenced to undergo 10 years rigorous imprisonment with a fine of Rs.10,000/-, in default to undergo 1 month rigorous imprisonment for the offence under Section 105(ii) of BNS and he was acquitted of the charge under Section 296(b) of BNS. As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in CrIa(MD)No.127 of 2026 along with this petition to suspend the sentence imposed on him by the trial court. The appeal has been admitted by this Court on 29.01.2026.

2.The learned counsel for the petitioner submits that the occurrence had taken place in a hotel. Even according to the prosecution case, there was quarrel between the petitioner and the deceased and as such the petitioner has caused stab injury on the deceased.

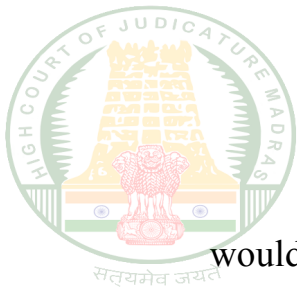


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3.The learned counsel further submits that the deceased was a habitual offender and he is having several cases to his credit and his mother PW13 is also a habitual offender, who was in jail even on the date of examination during the trial. He by referring to the evidence of PW13 further submits that she was in judicial custody on the date of her examination and she admits that a case was registered against her and also admits that her son was also having criminal background.

4.The learned counsel further submits that the occurrence had taken place on 11.10.2024 at about 11.55pm, the deceased was admitted in the government hospital at 12.45am and he succumbed to injuries at 1.00am. However, the complaint was lodged only 12.10.2024 at 6.00am. Therefore, there is a delay in despatching the first information report to the court also.

5.The learned counsel submits that the FIR was received by the learned Judicial Magistrate at 11.30 am. However the Police Constable, who took the FIR to the Court has stated that the FIR has been handed over by him in the morning at 6.00am. Thus this unexplained delay



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would create an impression that the case has been foisted in order to suit this petitioner as an accused in this case.

6.The learned counsel has also pointed out that there was earlier information given by the defacto complainant and he has suppressed the complaint, and the same creates suspicion over the prosecution case. He had disputed the place of occurrence, arrest and recovery.

7.The learned Government Counsel submits that there was an incident in the morning, where the accused has snatched away the mobile phone of the petitioner, he was caught red handed, however, he fled the scene of occurrence. In the evening he saw the deceased in a hotel, where there was a quarrel between the petitioner and the deceased and that the petitioner has stabbed the deceased with knife. According to the learned Government Counsel, PW Nos.2, 3 and 5 have witnessed the occurrence and have also stated before the trial court. The prosecution has proved its case and therefore, she opposes this petition.

8.This court has considered the rival submissions made.



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9.The appellant has been convicted for the offence under Section 105(ii) of BNS and this appeal has been admitted by this court on the grounds raised by the petitioner. The petitioner has raised certain arguable points which can be appreciated only during the final hearing of the appeal. However appeal could not be taken up immediately for final hearing. Considering the period of incarceration and that the appeal could not be taken up immediately for final hearing, this court is inclined to suspend the sentence pending the appeal.

10.Accordingly this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended pending disposal of the criminal appeal on the following conditions:

(i) The petitioner is ordered to be enlarged on bail on executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate No.IV, Trichy.

(ii) The petitioner and the sureties shall file an affidavit before the respondent police that the petitioner will not misuse this liberty, will not indulge in any further offence, will not visit the occurrence place, pending the appeal.



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(iii) The petitioner shall report before the respondent police daily at 10.30am.

(iv) If the petitioner changes his residence, it shall be informed to the respondent police immediately.

(v) If the petitioner violates any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence of imprisonment.

16.06.2026

DSK
To

1. The Judicial Magistrate No.IV,
Trichy.

2. The Inspector of Police,
Thillainagar Police Station,
Trichy District.

3. The Superintendent,
Central Prison,
Tirhcy.

Copy to

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI.J.,

DSK

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