



CRL MP(MD). No.1129 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05/02/2026

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THE HONOURABLE MRS. JUSTICE N.MALA

**CRL MP(MD). No.1129 of 2026
in
CRL A(MD)No.1086 of 2024**

R.Ravikumar

... Petitioner

Vs

1.The State rep by
The Inspector of Police,
Allinagaram Police Station,
Theni District.
(Crime No.244 of 2013)

2.M.Senthil Kumar

... Respondents

PRAYER :- To suspend the sentence imposed on the petitioner in S.C.No.47 of 2016, on the file of the learned Principal Sessions Judge, Theni, dated 01.10.2024, pending disposal of the above appeal.

For Petitioner : Mr.C.Christopher

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

For R2 : Mr.G.R.Balakumar



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ORDER

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed on the petitioner in S.C.No.47 of 2016 dated 01.10.2024 by the learned Principal Sessions Judge, Theni, pending disposal of the appeal.

2.The case of the prosecution in brief is that, on 08.09.2013 at about 12.30 p.m., while conducting obsequies of Subbammal at the Crematorium, the 1st accused/petitioner entered into an altercation with P.W.1/Senthilkumar. On the very same day, at 05.30 p.m., the petitioner along with his wife went to P.W.1's house and abused him with filthy language. The petitioner took a bottle of acid which was hidden in his waist and poured the same on P.W.1, causing burn injuries on his head, back, right chin, right arm, shoulder and right wrist. When P.W.1's father and other relatives tried to intervene, they also sustained injuries. Therefore, a complaint was lodged against the petitioner for offences under Sections 294(b), 307, 326(A) and 324 of I.P.C. After completion of the investigation and filing of the charge sheet, the case was taken on file



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in S.C.No.47 of 2016 by the Assistant Sessions Court (Chief Judicial Magistrate Court). Thereafter, the case was transferred to the learned Principal Sessions Judge, Theni, on 18.02.2023.

3.Before the trial court, on the side of the prosecution, 19 witnesses were examined as P.W.1 to P.W.19 and 16 documents were marked as Ex.P.1 to Ex.P.16. Six material objects were marked as M.O.1 to M.O.6. On the side of the accused, six witnesses were examined as D.W.1 to D.W.6 and two documents were marked as Ex.D.1 and Ex.D.2.

4.The learned Principal Sessions Judge, Theni, upon considering the evidence both oral and documentary and on hearing the arguments on both the sides, passed the impugned judgment dated 01.10.2024, convicting and sentencing the petitioner as follows:

S.No.	Offence	Sentence
1	Section 294(b) of IPC	Three months S.I. and to pay a fine of Rs.1,000/-, in default to undergo one month S.I



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2	Section 326(A) of IPC (1 count)	10 years R.I. and to pay a fine of Rs.2,00,000/-, in default of fine, a warrant of levy shall be issued to the District Collector in terms of Section 421(1)(b) of Cr.P.C.
3	Section 326(B) of IPC (1 count)	5 years R.I. and to pay a fine of Rs.5,000/-, in default to undergo 3 months S.I
4	Section 307 of IPC (1 count)	10 years R.I. and to pay a fine of Rs.10,000/-, in default to undergo 3 months S.I

Further, it was ordered that the sentences of imprisonment would run concurrently.

5. Aggrieved by the judgment of the Trial Court convicting and sentencing the petitioner as above, the petitioner has preferred the criminal appeal along with the petition for suspension of sentence.

6. The respondent filed a detailed counter narrating the entire facts relating to the conviction and sentence of the petitioner. The respondent contended that the judgment of the Trial Court does not warrant interference, since the Trial Court after careful consideration and elaborate discussion had given a clear finding that the accused committed the offences and that the prosecution had proved its case. The respondent



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also contended that the petitioner committed a grave offence and therefore in the absence of valid grounds, he is not entitled for the relief of suspension of sentence.

7. Heard both sides and perused the materials on record.

8. This is the second application for suspension of sentence filed by the petitioner. The petitioner earlier filed an application in CrI.M.P(MD)No.7559 of 2025 and the same was dismissed on 10.10.2025.

9. Notably, the petitioner did not dispute his presence at the scene of occurrence but tried to explain the incident by stating that P.W.1, attacked him first and that in the process, both of them sustained injuries.

10. No new points are raised by the petitioner in this second application. The points urged now were already considered by this Court as well as by the Trial Court and in the absence of any new grounds of substantial importance and relevance, this Court is not inclined to



entertain this application. It is relevant to refer to the Hon'ble Supreme Court judgment in the case of ***State of Maharashtra Vs. Buddhikota Subha Rao*** reported in ***AIR 1989 SC 2292***, laying down the criteria for considering subsequent bail application, which in my view, also applies to subsequent applications for suspension of sentence. The Apex Court laid down as follows:-

"10....Once that application is rejected, there is no question of granting a similar prayer. That is virtually overruling the earlier decision without there being a change in the fact-situation. And, when we speak of earlier decision and not merely cosmetic changes which are of little or no consequence."

11. On the facts of this case, this Court finds no substantive change in circumstances, justifying the entertainment of this application. This Court is of the view that entertaining the present application, without a change in the circumstance, will amount to reviewing the earlier order, which is not permissible.



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12.Hence, this Criminal Miscellaneous Petition is dismissed.

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05.02.2026

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TO

- 1.The Principal Sessions Court, Theni.
- 2.The Central Prison, Madurai.
- 3.The Inspector of Police,
Allinagaram Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.MALA,J

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