



**CRL MP(MD). No.3141 of 2026**  
**in CrL.A(MD) No.207 of 2026**

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25/02/2026

CORAM

**THE HONOURABLE MRS. JUSTICE N.MALA**

**CRL MP(MD). No.3141 of 2026**  
**in**  
**CRL A(MD)No.207 of 2026**

Micheal Dhasan

... Petitioner/Appellant  
Sole Accused

Vs

The State of Tamilnadu,  
Rep by the Inspector of Police,  
Kulasekaram Police Station,  
Kanyakumari District.  
Crime No.468 of 2016.

... Respondent/ Respondent  
Complainant

PRAYER:- To Suspend the sentence imposed against the petitioner in S.C.No.134 of 2017 on the file of the Fast Track Mahila Court, Kanyakumari District at Nagercoil in respect of Crime No.468 of 2016 on the file of the Inspector of Police, Kulasekaram Police Station, Kanyakumari District pending disposal of the above appeal.

For Petitioner : Mr.S.Palanivelayutham

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



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## **ORDER**

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed against the petitioner in S.C.No.134 of 2017 on the file of the Fast Track Mahila Court, Kanyakumari District at Nagercoil in respect of Crime No.468 of 2016 on the file of the Inspector of Police, Kulasekaram Police Station, Kanyakumari District pending disposal of the above appeal.

2.The case of the prosecution is that on 08.11.2016 at about 3.30 p.m., there was a wordy quarrel between the petitioner and his family. The petitioner/accused uttered obscene words against his own mother and tried to assault his brother, a physically challenged person. At that time, the petitioner took an iron rod and hit his mother on left side of her head. Therefore, the mother of the accused lodged a complaint based on which, an FIR was registered in Crime No.468 of 2016, for the offences punishable under Sections 294(b), 323, 324, 307, 506(ii) of IPC and Section 4 of TNPHW Act, 2002. Based on the final report submitted by the respondent police, the case was registered in S.C.No.134 of 2017 on



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the file of the Fast Track Mahila Court, Kanyakumari District at Nagercoil.

3.Before the trial Court, on the side of the prosecution, 12 witnesses were examined as P.W.1 to P.W.12 and 12 documents were marked as Ex.P.1 to Ex.P.12. Four material objects were marked as M.O.1 to M.O.4. On the side of the accused, two witnesses were examined and no document was marked.

4.The learned Fast Track Mahila Judge, Kanyakumari District at Nagercoil, upon considering the evidence both oral and documentary and on hearing the arguments on both the sides, passed the impugned judgment, dated 28.01.2026, acquitting the petitioner for the offences punishable under Sections 294(b), 323, 324, 307 and 506(ii) of IPC and Section 4 of TNPHW Act and Section 235(i) of Cr.P.C and convicting and sentencing the petitioner as follows:



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| S.No. | Offence         | Sentence                                                                           |
|-------|-----------------|------------------------------------------------------------------------------------|
| 1     | Section 324 IPC | 2 years R.I. and to pay a fine of Rs.30,000/-, in default to undergo 6 months S.I. |

4a. 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.

5. The learned counsel for the petitioner submitted that the offence under Section 324 of IPC is not made out and that the prosecution failed to prove the offence under Section 324 of IPC against the petitioner. The learned counsel further submitted that as per the Accident Register, the petitioner, at that time of committing the crime, had used only a stick and not an iron rod and therefore, it was impossible to inflict a cut injury with a stick. The learned counsel submitted that apart from the above, there were several infirmities, contradictions and inconsistencies in the prosecution's case and therefore, the petitioner was entitled to be enlarged on bail by suspending the sentence imposed on him. The learned counsel submitted that the petitioner would comply with the



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conditions, if any, imposed by this Court, for allowing the petition. The learned counsel for the petitioner further submitted that the petitioner had paid the fine amount.

6.The learned Government Advocate (Crl.Side) opposed the suspension of sentence petition and submitted that the petitioner failed to point out any palpable error in the trial Court judgment. The learned Government Advocate, contended that since the petitioner's counsel failed to establish any apparent error in the judgment of the Trial Court, petition lacked merits and hence deserved to be dismissed.

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

8. From a perusal of the materials placed before this Court, this Court finds that the petitioner has made out an arguable case on the basis of the Accident Register, which described the weapon used in the crime as a stick and not an iron rod, as pleaded by the prosecution. Therefore, this Court is inclined to allow this application for suspension of sentence.



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9. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal with the following directions:

(i) The petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, within a period of 4 weeks from the date of receipt of a copy of this order, each for a like sum to the satisfaction of the Fast Track Mahila Court, Kanyakumari District at Nagercoil.

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity;

(iii) The petitioner shall appear before the trial Court on every alternate Monday of every English Calendar month at 10.30 a.m., until further orders.

**25.02.2026**

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TO

- 1.The Fast Track Mahila Court,  
Kanyakumari District at Nagercoil.
- 2.The Inspector of Police,  
Kulasekaram Police Station,  
Kanyakumari District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**N.MALA,J**

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