



Crl.M.P.(MD)No.5704 of 2026

in Crl.A.(MD)No.552 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2026

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.5704 of 2026

in Crl.A.(MD)No.552 of 2025

Vijayakumar

... Petitioner

versus

State of Tamil Nadu,
Rep. by the Inspector of Police,
Vanniyampatti Vilakku Police Station,
Virudhunagar District.
Cr.No.63 of 2023.

... Respondent

Petition filed under Section 430(1) BNSS, to suspend the sentence imposed against the petitioner in S.C.No.157 of 2023 dated 25.03.2025 passed by the Fast Track Mahila Court, Virudhunagar District at Srivilliputtur and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.G.Karuppasamy Pandiyan

For Respondent : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. Side)



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ORDER

The petitioner is the 1st accused in S.C.No.157 of 2023 on the file of the Fast Track Mahila Court, Virudhunagar District at Srivilliputtur. He was tried along with his parents for the offence under Sections 294(b), 324, 307, 109 and 326 IPC. After the trial, the trial Court, by its Judgment dated 25.03.2025, acquitted the accused Nos.2 and 3 from the charges and found the petitioner guilty, convicted and sentenced him as under:

Sl.No.	Sections	Punishment	Fine amount	Default
1.	294(b) IPC	3 months simple imprisonment		
2.	326 IPC (2 counts)	7 years rigorous imprisonment	Rs.5,000/-	Six months simple imprisonment
3.	307 IPC	7 years rigorous imprisonment	Rs.5,000/-	Six months simple imprisonment
4.	324 IPC	2 years rigorous imprisonment	Rs.1,000/-	Three months simple imprisonment

Challenging the Judgment of conviction and sentence, the petitioner has filed a criminal appeal in Crl.A.(MD)No.552 of 2025 and the same has been admitted by this Court on 30.04.2025. Along with the criminal appeal, the petitioner has



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filed a petition in Crl.M.P.(MD)No.6978 of 2025 seeking to suspend the sentence, however, the petitioner has not pressed that petition when it was taken up for hearing on 08.01.2026. This is the second petition filed by the petitioner to suspend the sentence.

2. The case of the prosecution is that due to previous enmity with regard to the land dispute, the 1st accused, who is the son of the 2nd accused, abused P.W.2 in filthy language and brutally attacked P.W.2. with sickle and when it was prevented by P.W.1, she also suffered grievous injury.

3. The learned counsel appearing for the petitioner submits that though the respondents have stated that the victim/defacto complainant has suffered grievous injury, it has not been supported with any x-ray and the alleged injuries are in the fingers and according to the learned counsel, the injuries would not come under the purview of grievous in nature. He further submits that there was a civil dispute between the petitioner's family and the defacto complainant and the defacto complainant is also a close relative of the petitioner. But, the civil dispute has been given with criminal colour as if the petitioner has caused grievous injury to the defacto complainant. However, the trial court without



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appreciating the evidence in a proper manner, has convicted the petitioner as stated above. He further submits that the petitioner is in jail for the past one year and one month.

3. The learned Government Advocate (Crl. Side) submits that the petitioner caused grievous injuries to the victim/P.W.1. Apart from the victim/P.W.1, P.W.2 and P.W.3, who are the eye-witnesses, have also supported the case of the prosecution. P.W.4 and P.W.5 are also the eye-witnesses and they have also supported the case of the prosecution. According to him, it was an attempt for committing murder and it was prevented by P.W.1 and she also suffered injuries on her fingers.

4. This Court considered the rival submissions made.

5. Admittedly, it is a case of civil dispute. The victim said to have suffered injuries only on her fingers. The petitioner claims that the prosecution has not substantiated the nature of injuries by taking x-ray and it cannot be considered within the parameters of grievous injuries. The petitioner is in jail for the past one year and one month. Though the petitioner has raised certain



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arguable points, the same can be appreciated only during the final hearing of the appeal. However, the appeal could not be taken up for final hearing immediately for want of time.

7. In view of the above and also considering the period of incarceration, this Court is inclined to suspend the sentence imposed on petitioner with certain conditions. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on the following conditions:

(i) The petitioner shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two sureties each for a like sum to the satisfaction of the Fast Track Mahila Court, Virudhunagr District at Srivilliputtur.

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address, before the trial Court as well as before the respondent Police. In the event, if there is any change of address, the same shall be intimated to the respondent Police without fail.

(iii) The petitioner shall not misuse the liberty granted to him by indulging in any further offence.



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(iv) The petitioner shall stay at Trichy and report before the Inspector of Police, Cantonment Police Station, Trichy, daily at 10.30 a.m. until further orders.

(v) If the petitioner violates any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

29.04.2026

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To

1. The Fast Track Mahila Court,
Virudhunagar at Srivilliputtur.
2. The Superintendent,
Central Prison, Madurai.
3. The Inspector of Police,
Vanniyampatti Vilakku Police Station,
Virudhunagar District.



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

Copy to:

The Inspector of Police,
Cantonment Police Station,
Trichy.



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B.PUGALENDHI, J.

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