



CRL MP(MD). No.8585/2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17.02.2026

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

CRL MP(MD). No.8585/2025
in
CRL A(MD)No.726/2025

Prabakaran

... Petitioner

Vs

State rep.by
The Inspector of Police
Ponmalai Police Station
Trichy District.
Cr.No.290/2019

... Respondent

PRAYER :- Petition filed u/s.430 of BNSS to suspend the sentence imposed by the learned II Additional District and Sessions Judge, Tiruchirappalli, in SC.No.22/2020 by the judgment dated 17.10.2024, and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.N.Deepan Chakravarthy

For Respondent : Mr.K.Sanjai Gandhi, GA[Crl.Side]



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ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner, to suspend the sentence imposed by the learned II Additional District and Sessions Judge, Tiruchirappalli, in SC.No.22/2020, dated 17.10.2024, and enlarge the petitioner on bail pending the disposal of the appeal.

2.The case of the prosecution in brief, is that on 06.07.2019, the petitioner who is the sole accused, went to the tea shop of the deceased and demanded money for consuming alcohol ; but the deceased refused to give any money. Thereafter, on the same day at about 8.00 p.m., the petitioner went to the shop of the deceased with a wooden log, picked up a quarrel with the deceased for refusing to pay him money and thereafter, assaulted the deceased with wooden log on his head. The deceased was rushed to the Government Hospital, where the doctor, on examination of the deceased, declared him dead. Under the circumstances, the brother of the deceased [PW1] lodged a complaint before the respondent police and a case in Crime No.290/2019, came to be registered for the offences u/s.294[b], 324, 506[ii] and 302 of IPC. The case was taken up on file by



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the learned II Additional District and Sessions Judge, Tiruchirappalli, in
SC.No.22/2020.

3.Before the Trial Court, on the side of the prosecution, 24 witnesses were examined as P.W.1 to P.W.24 and 18 documents were marked as Ex.P.1 to Ex.P.18. On the side of the accused, neither any witness was examined nor document was marked.

4. The Trial Court, upon considering the evidence both oral and documentary and on hearing the arguments on both the sides, passed the impugned judgment dated 17.10.2024, convicting and sentencing the petitioner as follows:

S.No.	Conviction u/s	Sentence
1	294[b] of IPC	To undergo 3 months RI
2	324 of IPC	To undergo 1 year RI
3	304 [II] of IPC	To undergo 5 years RI and to pay a fine of Rs.5,000/-, in default to undergo 6 months RI



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5.Challenging the above said conviction and sentence, the appellant has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

6.The respondent police filed a detailed counter narrating the facts leading to the conviction and sentencing of the petitioner. The respondent submitted that the petitioner is not entitled to any relief as the offence committed by him, was grave in nature and also the Trial Court had, after elaborate discussion, given clear and cogent findings that the petitioner committed the offence. The respondent therefore submitted that the points raised by the petitioner, are matters best left to be considered at the time of final disposal of the criminal appeal.

7.The learned counsel appearing for the petitioner submitted that the Trial Court failed to properly appreciate the evidence of PW20-doctor, who issued the Postmortem Certificates, Exs.P6 and P7. The learned counsel submitted that the doctor, in the cross examination, clearly admitted that the deceased died of cardiac arrest and the death was not directly attributable to the injuries inflicted on him by the



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petitioner. The learned counsel therefore submitted that the petitioner has a fair chance of success in the appeal and hence, prayed that the petition be allowed.

8.The learned Government Advocate appearing for the State reiterated the submissions made in the counter affidavit and submitted that the petition lacks merit and deserves to be dismissed.

9.Heard both sides and perused the materials available on record.

10.A cursory reading of the judgment of the Trial Court shows that the Trial Court has not properly appreciated the evidence of the doctor-PW20, who issued Exs.P6 and P7-Postmortem Certificates. PW20, in his cross examination, deposed that the injuries sustained by the deceased, were simple in nature and the same were superfluous and there was no injury to the skull. This aspect of the evidence of PW20, was not considered by the Trial Court and therefore, this Court finds that the petitioner has *prima facie* established that he has arguable case in the appeal.



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10. In view of the aforesaid discussions, 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 pay the fine amount of Rs.5,000/- within a period of two weeks from today, if not already paid ;

(ii) Upon payment of the fine amount, the petitioner shall be enlarged on bail on condition that she shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum, within a period of ten days from the date of receipt of a copy of this order, to the satisfaction of the learned Judicial Magistrate No.V, Tiruchirappalli District ;

(iii) 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 ;

(iv) The petitioner shall appear before the trial Court **daily** at 10.30 a.m., pending disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C (355 of BNSS) and shall appear



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before the trial Court on any other day in lieu of the date of his absence,
as directed by the trial Court.

17.02.2026

AP

To

- 1.The The Inspector of Police
Ponmalai Police Station
Tiruchirappalli District.
- 2.The II Additional District and Sessions Judge
Tiruchirappalli.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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N.MALA, J.

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