



Crl.MP(MD)No.18059 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD)No.18059 of 2025

in

Crl.A(MD)No.1262 of 2025

Balamuthu

... Petitioner

Vs.

State of through
the Inspector of Police,
Valanu P.S,
Trichy District,
[Crime No.105 of 2019]

... Respondent

Prayer: Petition filed under Section 430(1) of BNSS, to suspend the sentence imposed on the petitioner / appellant in SC.No.95 of 2020 on the file of the II Additional District Sessions Judge, Tiruchirappalli dated 06.09.2024.

For Petitioner : Mr.S.Vidhya Sagar

For Respondent : Mr.A.S.Abul Kalaam Azad,

Government Advocate

ORDER

The petitioner is sole accused in SC.No.95 of 2020 on the file of the II Additional District and Sessions Judge, Tiruchirappalli and he was tried,



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found guilty, convicted and sentenced to undergo seven years rigorous imprisonment with a fine of Rs.5,000/- in default to undergo six months rigorous imprisonment for the offence under Section 304(ii) IPC. As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in CrlA(MD)No.1262 of 2025 along with this petition to suspend the sentence imposed on him by the trial court. The appeal has been admitted by this Court on 25.11.2025.

2.The case of the prosecution is that the deceased had bought a two wheeler by availing loan and she was paying the dues. The petitioner was using the vehicle. On the occurrence date the deceased had raised dispute with the petitioner and taken the key of the vehicle. Therefore, the petitioner attacked the deceased with wooden log and caused death.

3.The learned counsel for the petitioner submits that the deceased had fallen down and there is no injury. However, the prosecution has filed the final report that the petitioner has assaulted the deceased with wooden log. There are contradictions among the witnesses with regard to the alleged offence. The witnesses are only hearsay witnesses and they are not eye witnesses. However the trial court has convicted the petitioner based on



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the evidence of PW3 and there are several contradictions between the chief examination and the cross examination of PW3. He further submits that the petitioner is in jail from 06.09.2024.

4.The learned Government Advocate appearing for the respondent submits that the deceased is the relative of the petitioner and she has purchased a two wheeler and the petitioner was using the same. On the date of occurrence, the deceased refused to handover the key of the vehicle to the petitioner. Therefore, the petitioner assaulted the deceased with wooden log and caused death. Hence he was convicted for the offence under Section 304(ii) IPC.

5.This Court considered the rival submissions made.

6. The petitioner has raised certain arguable points which can be appreciated during final hearing of the appeal. However, the appeal could not be taken up for want of time. Considering that the appeal could not be taken up immediately for want of time, the petitioner's period of incarceration this court is inclined to allow this petition.



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7. Accordingly this petition is allowed and the substantive sentence of imprisonment 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 Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the II Additional District Sessions Judge, Tiruchirappalli.

(ii) The petitioner shall report before the trial court on the first working day of every month.

(iii) If there is any change in the residence address of the petitioner, the same shall be informed to the respondent police immediately.

08.04.2026

DSK

To

1. The Inspector of Police,
Valanu P.S,
Trichy District,
2. II Additional District Sessions Judge, Tiruchirappalli.
3. The Superintendent, Central Prison, Trichy.



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



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B.PUGALENDHI, J.,

DSK

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