



Crl.MP(MD) No.17731 of 2025 in
Crl.A(MD) No.1247 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.17731 of 2025

in

Crl.A(MD) No.1247 of 2025

Joseph Belinton

... Petitioner

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Aasaripallam Police Station,
Kanyakumari District.
Crime No.190 of 2021

... Respondent

Prayer :- This Criminal Miscellaneous Petition is filed under Section 430(2) of BNSS, 2023 to suspend the sentence imposed on the petitioner in S.C No.259 of 2022, dated 16.04.2025, by the learned Principal Sub Judge, Nagercoil, Kanyakumari.

For Petitioner : Mr.Micheal Sebastin
For Respondent : Mr.A.S.Abul Kalaam Azad
Government Advocate (Crl.side)



WEB COPY



Crl.MP(MD) No.17731 of 2025 in
Crl.A(MD) No.1247 of 2025

ORDER

The petitioner/A1 in S.C.No.259 of 2022, on the file of the Principal Sub Court, Nagercoil, Kanyakumari was tried along with the other accused that they have caused injuries to the victim/PW 2. The trial Court has found this petitioner guilty, convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1.	307 IPC	10 years Rigorous imprisonment	Rs.1,000/-	Six months simple imprisonment

As against the conviction and sentence imposed by the trial Court in S.C No.259 of 2022, dated 16.04.2025, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.1247 of 2025 and the same was admitted by this Court, by order, dated 21.11.2025. Along with the appeal, the petitioner has moved this application, seeking suspension of sentence.



Crl.MP(MD) No.17731 of 2025 in
Crl.A(MD) No.1247 of 2025

WEB COPY

2.The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not committed any offence as projected by the respondent police. However, he has been implicated in this case based on the statement of PW2 /victim. The dispute is between A2 and PW 2. A2 used to borrow money and bike from PW 2. On the date of occurrence, PW 2 has refused to give money to A2. Therefore, A2 along with this petitioner and other accused has assaulted PW 2/victim. The learned counsel claims that this petitioner is aged about 22 years and he is not having any bad antecedents. He further submits that the fine amount imposed by the trial Court has been remitted by this petitioner. He is in jail from 16.04.2025 and therefore, the petitioner may be considered for grant of suspension of sentence.

3.The learned Government Advocate (Crl.side) appearing for the respondent submits that this petitioner along with other accused



Crl.MP(MD) No.17731 of 2025 in
Crl.A(MD) No.1247 of 2025

caused serious injuries to the victim/PW 2. According to him, two injuries are grievous in nature. Therefore, the learned Government Advocate opposed for grant of suspension of sentence to this petitioner.

4. This Court considered the rival submissions made and also perused the materials placed on record.

5. The Criminal Appeal filed by this petitioner was admitted by this Court and the same is pending. The petitioner has raised certain grounds in support of his appeal, however the appeal could not be taken up immediately. In view of the above and considering the period of incarceration, this Court is inclined to suspend the sentence imposed on the petitioner.

6. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the



Crl.MP(MD) No.17731 of 2025 in
Crl.A(MD) No.1247 of 2025

WEB COPY

petitioner is ordered to be enlarged on bail on the following conditions:-

- i. The petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh) with two sureties each for a like sum to the satisfaction of the learned Principal Sub Judge, Nagercoil, Kanyakumari.
- ii. The persons, who are offering surety to the petitioner must file an affidavit of undertaking before the respondent police that the petitioner would not abuse the personal liberty granted by this Court and would not disturb the victim and also he would be available during the final hearing of the appeal. The petitioner shall also file an affidavit to that effect.
- iii. The petitioner shall stay at Madurai and report before the Inspector of Police, Ulaganeri Police Station, Madurai, daily



Crl.MP(MD) No.17731 of 2025 in
Crl.A(MD) No.1247 of 2025

WEB COPY

at 10.30 a.m, until further orders.

iv. 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.

07.04.2026

Index : Yes/No

Internet : Yes/No

vrn

To

1. The Principal Sub Judge, Nagercoil, Kanyakumari.

2. The Inspector of Police,
Aasaripallam Police Station,
Kanyakumari District.

3. The Inspector of Police,
Ulaganeri Police Station, Madurai

4. The Superintendent,
Central Prison,
Palayamkottai.

Copy to

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



WEB COPY



Crl.MP(MD) No.17731 of 2025 in
Crl.A(MD) No.1247 of 2025

B.PUGALENDHI, J.,

vrn

Order made in
CrL.MP(MD) No.17731 of 2025
in
CrL.A(MD) No.1247 of 2025

07.04.2026