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CRL MP(MD). No.304 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 13/02/2026

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THE HONOURABLE MRS. JUSTICE N.MALA

CRL MP(MD). No.304 of 2026

in

CRL A(MD)No.30 of 2026

Rajagopal

... Petitioner

Vs

State of Tamilnadu Rep by,
The Inspector of Police,
Thirunagar Police Station,
Madurai City.
Crime No. 641 of 2018.

... Respondent

PRAYER :- To Suspend the Sentence imposed against the petitioner in the Judgment in S.C.No.142 of 2020 dated 02.09.2025 on the file of the learned Additional Chief Judicial Magistrate, Madurai and enlarge him on bail pending disposal of the main Criminal Appeal.

For Petitioner : Mr.M.Gururaj

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 on the petitioner in S.C.No.142 of 2020, dated 02.09.2025, on the file of the learned Additional Chief Judicial Magistrate, Madurai, and to enlarge him on bail pending disposal of the main Criminal Appeal.

2.The case of the prosecution is that, on 20.12.2018 at about 11.30 a.m., the accused boarded a Government bus and stabbed P.W.1 on the left side of neck, a vital part of the body, causing a serious injury. Therefore, a case was registered for the offences under Section 294(b), 324 and 307 of IPC.

3.Before the trial court, on the side of the prosecution, 14 witnesses were examined as P.W.1 to P.W.14 and 16 documents were marked as Ex.P.1 to Ex.P.16. Six material objects were marked as M.O.1 to M.O.6. On the side of the accused, neither witness was examined nor document was marked.



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4.The Trial Court after a full fledged trial acquitted the accused of the offences under Section 294(b) and 324 IPC and convicted the accused for the offence under Section 307 IPC, and sentenced him to undergo ten years rigorous imprisonment with a fine amount of Rs.500/-, in default to undergo six months of simple imprisonment.

5.Aggrieved by the judgment of the Trial Court, the petitioner has filed the above appeal along with the petition for suspension of sentence.

6.The respondent filed a detailed counter stating that the Trial Court had given cogent reasons in its judgment for convicting the petitioner. The respondent further submitted that in the absence of any palpable or apparent error in the judgment of the Trial Court, the petition is liable to be rejected.

7.The learned counsel for the petitioner submitted that the prosecution failed to identify the weapon used in the crime. The learned counsel further submitted that there are various contradictions and inconsistencies in the testimony of the prosecution witnesses which



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falsifies the prosecution case. The learned counsel further submitted that the petitioner has a good case on merits and a fair chance of succeeding in the appeal. Therefore, he prayed that the petition may be allowed.

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

9. The learned Government Advocate reiterated the submissions made in the counter affidavit.

10. The objection of the learned counsel for the petitioner regarding the lack of clarity on the identity of the weapon has been considered by the Trial Court which has given a categorical finding that the weapon used in the crime was identified by the prosecution witness. The other points relating to the consistencies in the evidence of the prosecution's witnesses can be considered only at the time of final arguments of the appeal. Hence, this Court finds absolutely no merits in this petition. The learned counsel for the petitioner admits that the petitioner was on bail during the entire trial. Considering that the judgement was delivered only three months ago, this Court is not



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inclined to entertain this petition at this stage. Hence, this Criminal
Miscellaneous Petition is dismissed.

13.02.2026

SN

TO

- 1.The learned Additional Chief Judicial Magistrate,
Madurai.
- 2.The Inspector of Police,
Thirunagar Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.MALA,J

Sn

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