



CRL MP(MD). No.529/2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 29.01.2026

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THE HONOURABLE MRS. JUSTICE N.MALA

CRL MP(MD). No.529/2026

in

CRL A(MD)No.819/2024

Christopher

... Petitioner

Vs

State of Tamilnadu Rep by
The Inspector of Police,
Pazhugal Police Station
Kanyakumari District.
Crime No.50/2019.

... Respondent

PRAYER :- Criminal Miscellaneous Petition filed under Section 430[1] of BNSS to suspend the sentence imposed in the judgment dated 17.10.2022, made in SC.No.149/2019 on the file of the learned Assistant Sessions Judge, Kuzhithurai, Kanyakumari District and enlarge the petitioner on bail.

For Petitioner : Mr.Baskaran.V

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

ORDER

This Criminal Miscellaneous Petition is filed to suspend the sentence passed by the learned Assistant Sessions Judge, Kuzhithurai,



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Kanyakumari District, in SC.No.149/2019 dated 17.10.2022, and enlarge the petitioner on bail pending disposal of the appeal.

2.The case of the prosecution is that on 15.04.2019, at 7.30 p.m., the petitioner/accused, enraged with the refusal of PW1 to give money to him for drinking alcohol, set her on fire by pouring kerosene. The victim/PW1 sustained burn injuries on her left shoulder, left side cheek and backside [buttocks]. Hence, a case was registered against the petitioner in Crime No.50/2019 for the offences punishable u/s.294[b], 323, 307, 326 and 506[2] of IPC and was taken on file in SC.No. 149/2019 on the file of the learned Assistant Sessions Judge, Kuzhithurai, Kanyakumari District.

3.On completion of trial, the Trial Court convicted and sentenced the petitioner, as follows:-

<i>Sl.No.</i>	<i>Conviction under Section</i>	<i>Sentence imposed</i>
1	294[b] of IPC	To undergo SI for 3 months
2	323 of IPC	To undergo SI for 1 month
3	307 of IPC	To undergo RI for 7 years
4	326 of IPC	To undergo RI for 7 years, to pay a fine of Rs.5,000/- and in default, to undergo SI for 2 months.
5	506[2] of IPC	To undergo SI for 2 years



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4. Aggrieved by the aforesaid conviction and sentence, the petitioner has preferred the above appeal along with the petition to suspend the sentence.

5. The petitioner earlier filed an application in Crl.MP.(MD).No. 10734/2024 seeking suspension of sentence and this Court, by order dated 21.03.2025, dismissed the application as withdrawn. Hence, the petitioner has filed the second application for the same relief. The points raised in the present application are identical to the one raised in the earlier application and in the absence of any change in circumstances of some consequence, this Court is not inclined to entertain the second application for suspension of sentence.

6. The Hon'ble Supreme Court, in the case of ***State of Maharashtra Vs. Buddhikota Subha Rao*** reported in ***AIR 1989 SC 2292***, laid down the criteria for considering subsequent bail application, which in my view, also applies to subsequent applications for suspension of sentence. The Apex Court laid down as follows:-

"10....Once that application is rejected, there is no question of granting a similar prayer. That is virtually overruling the earlier decision without there being a change in the fact-situation. And,



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when we speak of earlier decision and not merely cosmetic changes which are of little or no consequence."

7.On the facts of this case, this Court finds no substantive change in circumstances, justifying the entertainment of this application. This Court is of the view that entertaining the present application, without a change in the circumstance, will amount to reviewing the earlier order, which is not permissible.

8.Hence, this Criminal Miscellaneous Petition is **dismissed**.

9.The learned counsel for the petitioner submitted that the records are already received from the Trial Court and therefore, prayed that a date may be fixed for final hearing and disposal of the criminal appeal.

10.Registry is directed to keep the typed set of papers ready and post the main criminal appeal for final hearing on 07.04.2026.

29.01.2026

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TO

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- 1.The The Inspector of Police,
Pazhugal Police Station
Kanyakumari District.
- 2.The Assistant Sessions Judge
Sessions Judge, Kuzhithurai,
Kanyakumari District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.MALA,J

AP

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