

Elumalai Vs State Represented by The Assistant Inspector of Police,

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Court : Chennai

Decided On : Apr-02-2026

Judge : Honourable Mr.Justice C.Kumarappan

Appeal No. : CRL MP/5829/2026

Appellant : Elumalai

Respondent : State Represented by The Assistant Inspector of Police,

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2026

CORAM

THE HONOURABLE MR JUSTICE C.KUMARAPPAN in CrI.R.C.No.748 of 2026 Elumalai ...Petitioner -vs- State Rep. By The Assistant Inspector of Police, Arakandanallur Police Station, Villupuram District. Crime No.431 of 2015 ...Respondent PRAYER in CrI.M.P.No.5829 of 2026: Criminal Miscellaneous Petition filed under Section 430 of BNSS Act, praying to suspend the sentence of imprisonment imposed on the petitioner by the impugned judgement of the learned Additional District Sessions Judge (Fast Track Court, Villupuram) in CrI.A.No.52 of 2025

dated 30.01.2026 and enlarge the petitioner on bail. PRAYER in Crl.M.P.No. 5843 of 2026: Criminal Miscellaneous Petition filed under Section 528 of BNSS, praying to exempt the petitioner from surrendering before the learned District Munsif Cum Judicial Magistrate, Thiruvannainallu pursuant to the impugned judgement of conviction and sentence in Crl.A.No.52 of 2025 dated 30.01.2026 passed by the learned Additional District Sessions Judge (Fast Track Court, Villupuram) pending disposal of the case. For Petitioner : Mr.M.Dinesh For Respondent : Mr.P.Dhileepan, Government Advocate (Crl.Side)

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed to suspend the sentence imposed on the petitioner and to exempt him from surrendering pursuant to the judgment dated 30.01.2026 passed in Crl.A.No.52 of 2025 on the file of the learned Additional District Sessions Judge (Fast Track Court, Villupuram), confirming the judgment dated 10.06.2025 passed in C.C.No.33 of 2024 on the file of the learned District Munsif cum Judicial Magistrate, Thiruvannainallur, pending disposal of the above criminal revision, and to enlarge the petitioner on bail.

2. The petitioner has been convicted and sentenced by the learned Trial Judge as follows:-

Conviction under Section Sentence awarded To undergo 6 months RI and to pay a 326 of IPC fine of Rs.10,000/-, in default to undergo 3 months simple imprisonment.

3. Aggrieved by the same, the petitioner filed a Criminal Appeal in

Crl.A.No.52 of 2025, whereby the Appellate Court confirmed the judgment

dated 10.06.2025 passed in C.C.No.33 of 2024, but reduced the sentence to 6 months of rigorous imprisonment. Aggrieved by the same, the petitioner has filed Crl.R.C.No.748 of 2026 before this Court along with the instant criminal

miscellaneous petitions seeking suspension of sentence and exemption from surrendering before the Trial Court.

4. The case of the prosecution is that on the date of occurrence, petitioner had attempted to attack one Elumalai and at that time, his wife Anjugam intervened and sustained cut injury on her left hand. Hence, the case.

5. The learned counsel for petitioner would submit that the trial Court

has imposed sentence of one year and the Appellate Court has reduced the sentence to six months and further submitted that the injuries sustained by PW2 is some cut injuries in the small finger and she has undergone plastic surgery. He also submit that there is a delay of 13 days in reaching the FIR to the concerned Court, however this aspect was not considered by the both the Courts below and apart from that he has raised substantial grounds in this revision.

6. I have given anxious consideration to the submissions made by the learned counsel on either side and also perused the records available.

7. Considering the fact that there are substantial grounds raised in the

above revision, which require consideration and since the revision is not likely to be taken up in the near future as there are other old year matters, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the Trial Court

8. Accordingly, these Criminal Miscellaneous Petitions stand allowed;

the sentence imposed on the petitioner is suspended and the petitioner is exempted from surrendering before the Trial Court till the disposal of the above criminal revision case. The petitioner shall be released on bail subject to the following conditions: (i)The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties, each for a like sum to the satisfaction of the learned District Munsif Cum Judicial Magistrate, Thiruvannainallur; (ii)The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a

copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

(iii)The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the revision 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 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

02.04.2026 (2/2) sma To 1.The Additional District Sessions Judge (Fast Track Court, Villupuram) 2.The District Munsif cum Judicial Magistrate, Thiruvannainallur 3.The Public Prosecutor, High Court of Madras.

C.KUMARAPPAN, J.

sma in CrI.R.C.No.748 of 2026 02.04.2026

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