

**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, CHENGALPATTU**

Present : Thiru. T.Chandrasekaran, M.L.,
Principal District and Sessions Judge,
Chengalpattu.

Date: Friday, the 12th day of June 2026.

Crl.M.P. No.1893 of 2026 and 1894 of 2026

in

Criminal Appeal No.126 of 2026

1. Joseph @ Soba, aged 41 years, S/o.Arokiadoss,
3rd Street, Kutthavakkam Village,
Thiruporur Taluk, Chengalpattu.
2. A.Bernat, aged 46 years, S/o.Arokiadoss,
2nd Street, Kutthavakkam Village,
Thiruporur Taluk, Chengalpattu.
3. A.Arulananatham, aged 50 years, S/o.Anthony,
Old Street, Kutthavakkam Vilalge,
Thiruporur Taluk, Chengalpattu.

.. Petitioners/Appellants/Accused A1 to A3

//Versus//

State of Tamil Nadu,
Rep. by the Inspector of Police,
Mamallapuram Police Station,
Cr. No.585 of 2021

.. Respondent/respondent/Complainant

These two petitions are filed under section 430(1) of B.N.S.S - 2023,
prays to suspend the execution of sentence imposed on the Petitioners and
suspend the fine amount imposed upon them.

These petitions coming on this day for hearing before me,
M/s.M.Govindaraju, the learned counsel is appearing for the Petitioners/
Appellants/accused, upon hearing the petitioners' side and upon perusal of
case records, this Court made the following

COMMON ORDER

The petition in CrI.M.P. No.1893 of 2026 has been filed by the Petitioners/Appellants/accused A1 to A3 prays to suspend the execution of sentence imposed upon them and the petition in CrI.M.P. No.1894 of 2026 has been filed by the Petitioners/Appellants/Accused A1 to A3 prays to suspend the fine amount imposed upon them by the learned Assistant Sessions Judge / Chief Judicial Magistrate, Chengalpattu in S.C. No.292 of 2023 dated 08.05.2026.

2. From the submissions and from the perusal of records, it is seen, the learned Assistant Sessions Judge / Chief Judicial Magistrate, Chengalpattu pronounced judgment in S.C. No.292 of 2023 on 08.05.2026, concluded that the accused A1 to A3 found not guilty of offences *U/s.294(b), 323, 326 r/w. 34 of IPC*; however, the accused A1 is found guilty of offence *U/s.307 of IPC* and the accused A2 and A3 are found guilty of offence *U/s.307 r/w. 34 of IPC*; further convicted and sentenced the accused A1 to undergo five years simple imprisonment and imposed a fine of Rs.1,00,000/- (Rupees One Lakhs only), in default to pay the fine amount, to undergo further three months simple imprisonment for the offence *U/s.307 of IPC*; convicted and sentenced the accused A2 & A3 to undergo five years simple imprisonment each and imposed a fine of Rs.1,00,000/- each (Rupees One Lakhs each only), in default to pay the fine amount, to undergo further three months simple imprisonment for the offence *U/s.307 r/w. 34 of IPC*. Further ordered that the total fine amount of Rs.3,00,000/- has to be paid to the P.W.3 Santhosh Fernandez as compensation. Further, the period of detention already undergone by the A1 is ordered to be set-off U/s.428 of Cr.P.C.

3. Being aggrieved over the said conviction and sentence passed by the trial court for the offences the Appellants/accused A1 to A3 preferred an Appeal, along with these two petitions seeking suspension of sentence and seeking suspension of fine amount imposed upon them .

4. According to the learned counsel for the Petitioners/accused, there are arguable points available in the Criminal Appeal and the Petitioners/accused have got a fair chance of succeeding in the Criminal Appeal. Further, the learned counsel for the appellants relied upon the Judgment of the Hon'ble Supreme Court of India in *Criminal Appeal No(s)..... of 2025 (Arising from SLP (CRL) Nos.13146 of 2025* and the Judgment in *Criminal Appeal No.4277 of 2024 dated 24.10.2024 reported in 2024 SCC Online SC 3036* and prays to suspend the fine amount as well as the sentence imposed against the Petitioners/accused.

5. Heard and records perused.

6. The Petitioners/accused A1 to A3 preferred appeal against the judgment of conviction passed by the learned trial Judge. Taking into consideration of the facts and circumstances of the case and also considering the submissions of the learned counsel for the Appellants/accused, this Court is inclined to suspend the sentence of imprisonment and the fine amount imposed upon the petitioners/accused A1 to A3, **till the disposal of the appeal.**

7. **In the result, these two petitioners are allowed with the following conditions:**

1. **The appellants/accused each are directed to deposit a sum of Rs.25,000/- each (Rupees Twenty Five Thousand each only) being 25% of the fine amount imposed upon them by the trial court;**

2. On such payment of fine amount, the execution of sentence of imprisonment in respect of the Appellants/accused A1 to A3 is suspended till the disposal of appeal, on their surrender before the Assistant Sessions Judge / Chief Judicial Magistrate, Chengalpattu and on execution of bond for Rs.10,000/- with two sureties each for a like sum to the satisfaction of the Assistant Sessions Judge / Chief Judicial Magistrate, Chengalpattu, within a period of 15 days from today.

3. **For reporting compliance, call this petition on 13.08.2026.**

Pronounced by me in open Court on this the 12th day of June 2026.

Principal District and Sessions Judge,
Chengalpattu.

To

The Assistant Sessions Judge / Chief Judicial Magistrate, Chengalpattu.

The Inspector of Police, Mamallapuram Police Station.