

IN THE COURT OF PRINCIPAL DISTRICT AND SESSIONS JUDGE,  
TIRUVANNAMALAI

**PRESENT: Thiru.P.Mathusuthanan, B.A.B.L.,**  
Principal Sessions Judge,  
Tiruvannamalai.

Wednesday, the 15th day of October- 2025

**Miscellaneous Petition No.1/2025-in C.A.57/2025**  
**CNR.No.TNTM01-004155-2025**

Gopi, aged 33 years S/o. Elumalai

... Petitioner/Accused

/Vs/

State by S.I of Police,  
Tiruvannamalai Town Police Station in  
Cr.No.203/2016

... Respondent/Complainant

This petition is coming before me on this day for hearing in the presence of Thiru.A.Sankar, Advocate for the petitioner, and Thiru.K.V.Manoharan, Learned Public Prosecutor for the respondent after hearing the petitioner side and on perusal of available records, this court passed the following....

**ORDER**

This Criminal Miscellaneous Petition has been filed by the petitioners u/s 430(1) of BNSS, praying to suspend the sentence imposed on him by the Additional Assistant Sessions Court, Tiruvannamalai in SC.No.76/2020 dated 26.09.2025.

Heard both sides. Perused the records.

The learned counsel appearing for the petitioner /appellant would contend that the petitioner herein has been charged for the commission of offence u/s 326 of IPC for caused grievous hurt and he has been found guilty and sentenced to undergo 5 years of rigorous imprisonment and fine of Rs.10,000/- He would further submit that the P.W.1 to 3 are the medical college students at the time of said accident and they are interested witnesses. The evidence of the interested witnesses need not be completely brushed aside, but it may well looked into, and scrutinized but the result may not depend upon the evidence of the interested witnesses only and independent witnesses, confession witnesses were turned hostile, the learned trial court on the basis of the evidence of the prosecution witnesses P.W.1 to 3 and P.W.9 and Ex.P7 Wound Certificate regarding injury sustained by the P.W.1, the trial court has found guilty of the petitioner/accused which is quite against law. Against this backdrop, the judgment of the trial court without reliable evidence is quite against law and the petitioner is in judicial custody,

hence, he requested to suspend the sentence of the petitioner till the disposal of the main appeal.

**In order to prove** the case of the prosecution, the prosecution examination as many as 11 witnesses and marked 13 Exhibits and 3 material objects. On the side of the defence no one examined and no documents were marked.

**The learned Public Prosecutor** has filed a counter. In his counter he has stated that there is no possibility of reversing the judgment of the trial court. Hence there is no need to suspend the sentence handed down to the petitioner by the learned trial court.

The case of the prosecution is that on 18.03.2016 at 9.30 p.m, while the P.W.1 alongwith others were standing queue at Sakthi theatre to get ticket, the A1 and A2 with intent to commit robbery had threatened P.w.1 and A1 voluntarily caused grievous hurt to P.W.1 by stabbing him with pen knife on his forehead and committed robbery of Rs.500/- from the P.W.1. Hence the complaint preferred as against the petitioner in Cr.No.203/2016 under section 326, 392, 394 r/w 397 of IPC \_It is further noted that after the completion of investigation, the Inspector of Police has laid the final report u/s 326, 392, 394 r/w 397 of IPC

The learned trial court by its judgment in SC.No.76/2020 dated 26.09.2025, the Additional Assistant Sessions Judge, Tiruvannamalai, convicted the appellant/Accused and sentenced him as above.

Considering the submission of the learned counsel appearing for the petitioner, and on perusal of the records, the maximum sentence handed down against the petitioner is 5 years. Admittedly, in this case, the injury said to have sustained by the P.W.1 is grievous in nature and the mode of weapon said to have been used by the petitioner, hence, this Court feels to scrutinize the evidence and study the case with cautious. Hence, in view of the above, this court is inclined to grant interim suspension of the sentence handed down to the petitioner.

It is contended on the side of the petitioner that the fine amount imposed by the trial court has been paid by the petitioner/appellant and the petitioner was on bail throughout the trial period and now, he is in jail. Now, the petitioner / appellant has preferred a Criminal Appeal and the same is taken on file in C.A.No.57/2025.

By considering all these facts and circumstances of the case, and having considering the facts of certain arguable points as well as possible delay, in hearing the appeal, this Court is inclined to grant **interim suspension of sentence till 14.11.2025 to the petitioner with the following condition.**

(1) The petitioner is ordered to be released on bail during the pendency of appeal on his executing a personal bond for Rs.10,000/- with two sureties each for a like sum to the **satisfaction of the Additional Assistant Sessions Judge, Tiruvannamalai** and he should appear before this Court at 10.30 A.M. on **14.11.2025** in the main appeal and thereafter on subsequent hearing dates without fail.

(2) This petition is posted to 14.11.2025 for enquiry before this Court with regard to extension of interim suspension bail.

Pronounced by me in open Court, on this the 15th day of October- 2025

**Principal Sessions Judge,  
Tiruvannamalai.**

**Copy to**

The Additional Assistant Sessions Judge, Tiruvannamalai.  
The Counsel for the petitioner.