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CRL MP No. 715 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 715 of 2025

in CRL A No. 69 of 2025

Karuvandu @ Aravinth
S/o. (late) Balakrishnan,
No.20, South Street, Pothanur,
P.Velur, Namakkal.

..Petitioner(s)

Vs

State Rep By
Inspector Of Police,
Velur Police Station, Namakkal District.
Cr.No.691 of 2016.

..Respondent(s)

Prayer: Criminal Miscellaneous Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhhita, 2023, to suspend the sentence imposed in the judgement dated 29.7.2024 made in SC.No.72 of 2018 on the file of the learned First Additional District and Sessions Judge, Namakkal and enlarge the petitioner on bail.

For Petitioner(s):

Mr.C.Munusamy

For Respondent(s):

Mr.C.R.Malarvannan,
Counsel for Government of Tamil Nadu
(Crl.Side)



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Order

(Order of the Court was made by Sunder Mohan J.)

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner *vide* judgement and order dated 29.07.2024 passed in S.C.No.72 of 2018 on the file of the learned First Additional District and Sessions Judge, Namakkal, and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner, who is the sole accused in the above Sessions Case, was convicted by the trial Court for the offence under Section 302 of the IPC and sentenced to undergo imprisonment for life and to pay a fine of Rs.5,000/- and in default to undergo simple imprisonment for three months.

3. Heard the learned counsel for the petitioner and the learned Counsel for the Government of Tamil Nadu (Crl.Side) appearing for the respondent/State.



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4. (i) It is the case of prosecution that the petitioner had matrimonial differences with his wife-Priyanka, who was examined as PW3; that PW3 left the matrimonial house and was living with her parents; that on 20.11.2016 at about 7.00 p.m., the petitioner went to the house of his in-laws and asked his wife (PW3) to live with him; that since PW3 refused to go with the petitioner, he picked up a quarrel and broke the cellphone of PW3; that thereafter, PW1, the mother of PW3, called her brothers, of whom, one is the deceased in this case and the other was examined as PW2; that a wordy altercation took place between them; and that the petitioner, all of a sudden, attacked the deceased with a knife and caused his death.

5. The learned counsel for the petitioner would submit that the petitioner had gone to the house of his in-laws only to take his wife back to the matrimonial house; that in his in-laws' house, the deceased and his brothers had attacked him and the evidence would suggest that the petitioner was not the aggressor; that no independent witnesses have been examined by the prosecution; and that therefore, considering the period of incarceration, he prayed for suspension of sentence to the petitioner.



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6. The learned counsel for Government of Tamil Nadu (Crl.Side) *per contra* submitted that nothing has been elicited in the cross-examination of eyewitnesses, viz., PW1, PW2 and PW3, to suggest that the petitioner attacked the deceased only in self-defence; that in any case, the evidence reveals that the petitioner was armed with a knife, when he entered the house of his in-laws; that the evidence of eyewitnesses is cogent and convincing; and that therefore, the petitioner has not made out any *prima facie* case for suspension of sentence.

7. We have gone through the evidence of the eyewitnesses. PW1, PW2 and PW3, have stated that the petitioner attacked the deceased with the knife, which he had brought with him and was hidden. We see that there is nothing elicited in the cross-examination of those witnesses to disbelieve their version. There was no reason for the petitioner to be armed with a knife, if he had only gone to the house of his in-laws to bring back his wife. His conduct also does not *prima facie* suggest that he had acted in self-defence. He had also not sustained any injuries.



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8. Therefore, we are of the view that the petitioner has not made out any case for suspension of sentence and the period of incarceration of two years by itself is not sufficient to suspend the sentence. Hence, we dismiss the Criminal Miscellaneous Petition.

9. We are informed that the typed-set of papers are ready. The petitioner is at liberty to seek early disposal of the appeal if the appeal is not taken up for final hearing within a period of six months.

(A.S.M.,J.) (S.M.,J.)
21-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

1. The First Additional District and Sessions Judge,
Namakkal.

2. The Inspector Of Police,
Velur Police Station, Namakkal District.

3. The Public Prosecutor,
High Court, Madras.



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**DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.**

ars

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