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CRL MP No. 4917 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 4917 of 2026

in

CRL A NO. 289 OF 2026

M.Sathiyavathi
Wife of Manikandan,
Vadakku Theru, V Sathapadi Post,
Virudhachalam Taluk,
Cuddalore District,
Now confined at
Special Prison for Women,
Vellore, PID.No.465129.

..Petitioner(s)

Vs

The State,
The Deputy Superintendent of Police,
Sethiyathope Police Station,
Cuddalore District.
Crime No.217 of 2019

..Respondent(s)

Petition filed under Section 430(1) read with 483 of BNSS, 2023 to suspend the sentence imposed by Judgment in Sessions Case No.58 of 2021 dated 27.06.2025 on the file of Sessions Judge Magalir Neethi Mandram at Cuddalore and to enlarge the petitioner on bail pending disposal of the above said Criminal Appeal Case and pass further or other order that this Honble



Court may deem fit and proper in the Circumstances of the case and thus render
Justice.

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For Petitioner(s): Mr.P.Kannan

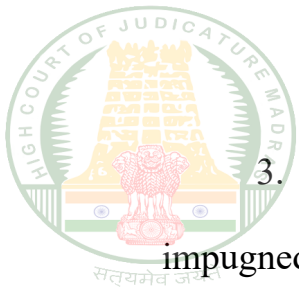
For Respondent(s): Mr.A.Amarnath,
Counsel For Government Of Tamil Nadu
(Criminal Side)

ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

This is a petition seeking suspension of sentence under judgment dated 27.06.2025 passed by the Sessions Judge, Magalir Neethi Mandram, Cuddalore and interim bail for the petitioner pending Criminal Appeal. The trial Court, vide its judgment dated 27.06.2025 has found the accused/petitioner guilty on three counts of Section 302 IPC and has sentenced her to imprisonment for life.

2. The case of the Prosecution is that the petitioner was the mother of three children aged 6, 4 and 2 years respectively and that she had done them to death by drowning them. The trial Court was persuaded to accept the last seen theory propounded by the Prosecution and based on the testimony of the witnesses, particularly PW-12, and the confession of the petitioner to the Village Administrative Officer (VAO) had found the petitioner guilty of the offences charged.



3. Mr.P.Kannan, learned counsel for the petitioner would assail the impugned judgment on the grounds that there was no motive for the petitioner to have committed the offence, the confession recorded by the VAO was inadmissible, the last seen theory had not been established by the Prosecution and that there are variations in the testimonies recorded. Moreover, being a case of circumstantial evidence, it was for the Prosecution to have established the case beyond all doubt.

4. Per contra, it is the case of the Prosecution, represented by Mr.A.Amarnath that the petitioner had confessed to the crime before the VAO, which confession is admissible in law.

5. The Prosecution relies on the testimony of P.W.12, one Shanthi, who was managing a shop near the place of occurrence who had testified that she had seen the petitioner in the vicinity of the shop with the children at about 1.30 in the afternoon, and that very night had seen the petitioner alone, and very perturbed, without the children. She had not had any acceptable explanation in regard to the absence of the children.

6. The Prosecution had examined 15 witnesses, marked 27 exhibits and produced 4 material objects, while the defence neither examined any witness nor marked any exhibits.

7. Based on the appreciation of the evidence, the trial Court finds the petitioner guilty. The petitioner has been in incarceration during trial between 03.10.2019 and 03.01.2020 (erroneously stated as 03.01.2010 in the judgment),



08.11.2022 and 23.11.2022, and 21.05.2025 till date, in all, for a period of about one and a half years.

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8. We have heard both learned counsel and perused the material papers.

9. Events appear to have emerged thus:

On 24.09.2019, the petitioner had left her matrimonial home to go to her parents' house along with her three children. On 02.10.2019, she leaves her parents' house with the three children to return to her husband's home. She was seen by P.W.12 who deposes that, around 1.30 p.m. she saw the petitioner along with her three children, in the vicinity of the nearby canal and interacted with her. P.W.12 again sees the petitioner around 8.30 p.m., this time without the children. When asked about the children, the petitioner is stated to have responded that she had left them with their father. P.W.12 has thus seen the three children last with the petitioner on the date of incident.

10. The relevant portion of the chief examination of P.W.12 reads thus:

பிரதம விசாரணை - ஆஜர் எதிரியை தெரியும். பார்த்துள்ளேன். என்கணவர் விருத்தாசலம், சிதம்பரம் மெயின்ரோட்டில் பஞ்சர் கடை வைத்துள்ளார். நானும் கடையில்தான் அவருடன் எல்லா வேலைகளும் செய்வேன். சுமார் 4,5 வருடத்திற்கு முன்பு மதியம் 1.30 மணி அளவில் என்கணவர் கடையில் சாப்பாடு கொடுக்க சென்றிருந்தேன் ஆஜர் எதிரி 3 குழந்தைகளுடன் அந்த வழியாக வந்தார். அப்போது ஆஜர் எதிரி சுமார் 10 நிமிடமாக இங்குமங்குமாக அலைந்துகொண்டிருந்தார். அப்போது சுமார் 8.30 மணி இருக்கும். ஏற்கனவே அவர்களை பார்த்ததால் அவர்களுடன் வந்த பிள்ளைகளை எங்கே என்று விசாரித்தேன். எதிரி அவர் அப்பா வந்து குழந்தைகளை அழைத்து சென்றார் என்று சொன்னார்.



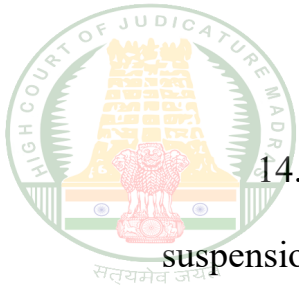
11. Though the learned counsel for the petitioner would attempt to argue that there were contradictions in the testimony of P.W.12, prima facie, we do not see any such contradiction. In any event, the fact that the three children were with the petitioner last, before their demise is established from the statement recorded by the Court under Section 313 Cr.P.C. In reply to question No.27, the petitioner herself agrees that she was last with the children and it was on her watch that the children slipped, fell and were drowned. The relevant question and answer are extracted below:

27. கேள்வி : நீர் இவ்வழக்கு பற்றி ஏதேனும் கூறிக்கொள்ள வேண்டுமா?

பதில் : நான் ' ராஜன் ' வாய்க்காலின் ' அருகே சென்றுகொண்டிருந்தபோது என் மூன்று குழந்தைகளும் அங்கு விளையாடிகொண்டிருந்தபோது தவறி விழுந்துவிட்டார்கள். நான் காப்பாற்ற சென்றபோது நானும் விழுந்து மயக்கமாகிவிட்டேன். அந்த பாலம் முழுவதும் கட்டப்படாத நிலையில் இருந்தது.

12. The answer of the petitioner is, in our prima facie view, only an attempt to exculpate herself from the offence, which seems highly improbable in view of the other evidence.

13. As far as the confession before the VAO is concerned, while a weak piece of evidence, it may have some weightage in determining the totality of circumstances. In that confession, the petitioner states that she had committed the offences as she did not have any interest in living with her husband and wished to be independent.



14. In light of the discussion as above, we are not inclined to consider suspension of sentence at this juncture and hence dismiss this petition.

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(A.S.M, J.) (S.M, J.)
22-07-2026

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

sl

To

1. The Deputy Superintendent of Police,
Sethiyathope Police Station,
Cuddalore District.
2. The learned Sessions Judge Magalir Neethi Mandram at Cuddalore.
3. The Special Prison for Women, Vellore.
4. The Public Prosecutor, High Court, Madras.



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DR.ANITA SUMANTH, J.
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