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CRL MP No. 7384 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 7384 of 2026

AND

CRL A NO. 270 OF 2025

Sudha
W/o.Babu,
Angammal Street,
Berigai,
Hosur Taluk,
Krishnagiri District - 635 105.

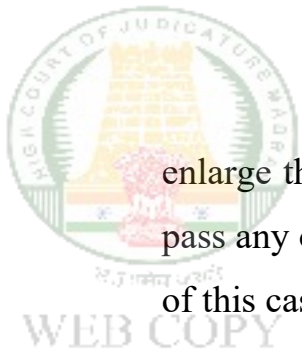
..Petitioner in both MP
and Crl.A.

Vs

The State Rep. by Inspector of Police
Berigai Police Station,
Berigai.
(Crime No. 228/2013)

..Respondent in both MP
and Crl.A.

Prayer in CRL MP No. 7384 of 2026: Criminal Miscellaneous Petition
filed under Section 430(1) of BNSS 2023 to suspend the sentence imposed
against the petitioner in S.C.No.163 of 2017 dated 05.12.2024 on the file of the
Learned Additional District and Sessions Judge, Hosur, Krishnagiri District, to



enlarge the petitioner on bail pending disposal of the Crl.A.No. 270 of 2025 or pass any other orders, such order deems fit to the proper facts and circumstances of this case and thus render justice.

For Petitioner(s): Mr.W.Camyles Gandhi for
Mr.M.P.Saravanan

For Respondent(s): Mr.C.R.Malarvannan
Counsel For Government of Tamil Nadu
(Criminal Side)

Order

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

A1 in crime No.228 of 2013 has moved this Court seeking suspension of sentence under judgment dated 05.12.2024 of the Additional District and Sessions Judge, Hosur.

2. We have heard Mr.Camyles Gandhi, learned counsel appearing for Mr.M.P.Saravanan, learned counsel on record for the petitioner and Mr.C.R.Malarvannan, learned Counsel for Government of Tamil Nadu (Criminal Side).

3. The case of the prosecution is that petitioner along with four others, of whom two died pending trial, was guilty of murder of one Babu (deceased). They accused the petitioner of having had an illicit relationship prior to the death of Babu and on account of the aforesaid circumstance, and previous enmity between A2 and Babu, on 11.06.2013 the accused conspired and



murdered the deceased by throttling and strangulating his neck using a towel and suffocating him by pressing a pillow on his face.

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4. Then feigning innocence, A1 had called PW1, brother of the deceased as though to inform him about the death of the deceased from a heart attack. The deceased had been taken from Berigai, Hosur Taluk to Nallur where the family of the deceased resided. In the process of doing the last rites, PW1 and other relatives found a ligature mark on the right side of the deceased's neck leading to the inference that the death of Babu was not natural.

5. Hence, a complaint was lodged in the Berigai Police Station by P.W.1 and a case registered in Crime No.228 of 2023 under Sections 147, 120(B), 449, 302 and 201 of IPC. Inquest was conducted and the post-mortem revealed that the deceased had died on account of asphyxia due to strangulation. It was thus established that the death was homicidal and not of natural causes.

6. The trial Court has found A1 guilty of offences under Sections 147, 120(B) read with 302, 302 and 201 of IPC and A2 and A4 under Sections 147, 120(B) read with 302, 449, 302 and 201 of IPC. They were sentenced to undergo life imprisonment along with other imprisonments and fine. A3 died pending trial and A5 had died pending investigation and hence, charges as against both abated.



7. The appellant argues that a false case has been foisted on her and it is PW1 and others who are responsible for the murder of the deceased. The filing of the complaint by P.W.1 was done merely to shift the blame on the accused.

8. However, we are unable to accept this argument as there is not a whisper of material on record to corroborate the appellant's version of events. To begin with, it has been established that the deceased died in Berigai where he resided with the appellant. The appellant has not been able to shake this event as, admittedly, her habitual residence with the deceased was in Berigai.

9. If it is the appellant's case that it was PW1 and others who had murdered the deceased, some evidence should have been brought on record to show the presence of PW1 in Berigai or atleast a suggestion made in the course of cross examination of PW1 that would substantiate the appellant's version. However, there is none.

10. We are hence not inclined to accept, for the mere asking, the defence of the appellants that a false case has been foisted on her. The evidence of PW1 is categoric to the effect that it is the petitioner who had called him to inform him of the demise of the deceased, pursuant to which he went from Nallur to Berigai to accompany the body of Babu back to Nallur for his final rites in the presence of family members. There is nothing for us to doubt the evidence of PW1.



11. In light of the aforesaid discussion, we are not inclined to suspend the sentence as the overt acts attributed to the accused appear prima facie to have been committed by her. We hence, dismiss this petition.

(A.S.M.,J.) (S.M.,J.)

13-08-2026

SL

To

1. The Inspector of Police
Berigai Police Station,
Berigai.
2. The Additional District and Sessions Judge,
Hosur, Krishnagiri District.
3. The Public Prosecutor, High Court of Madras.



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DR.ANITA SUMANTH J.

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SUNDER MOHAN J.

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