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CRL MP No. 9992 of 2026

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.9992 of 2026

in

CRL A No.34 of 2025

Mr.Kaliyamoorthy
S/o.Neelakandan,
Mettu Street,
Thenalapakkam Village,
Tindivanam.

...Petitioner/Appellant/
A1

Vs

The State rep. by,
The Deputy Superintendent of Police,
Tindivanam Sub - Division,
Mailam Police Station,
Crime No.217 of 2019

...Respondent/
Respondent/
Complainant

Prayer: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS Act, praying to Suspend the sentence imposed on the petitioner/appellant by the judgment of the Learned Sessions Judge, (Special Court for Exclusive Trial of Cases Registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram), in Special Sessions Case No.13 of 2020 dated



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30.09.2024 and enlarge the petitioner on bail, pending disposal of the above Criminal Appeal No.34 of 2025

For Petitioner : Ms.V. Gayathri
For Respondents : Mr.C.R.Malarvannan
Counsel for Government of Tamil Nadu
(Criminal Side)

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/A1, *vide* judgement and order dated 30.09.2024 passed in Spl.S.C.No.13 of 2020 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases Registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram, and to enlarge the petitioner/A1 on bail pending disposal of the appeal.

2. The petitioner, who was arrayed as A1 in the above Sessions Case, was convicted by the trial Court for the offence under Section 302



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of IPC and sentenced to undergo rigorous imprisonment for life and to pay a fine of Rs.10,000/-, in default, to undergo rigorous imprisonment for one year.

3. Heard the learned counsel for the petitioner/A1 and the learned Counsel for the Government of Tamil Nadu (Crl.Side) appearing for the respondent/State.

4. It is the case of prosecution that the deceased was the husband of A3; that the petitioner was A3's paramour; that A3 had instigated the petitioner/A1 to cause the death of her husband; that on 23.04.2019, the petitioner along with A2 called the deceased, consumed liquor together, and after the deceased had consumed excess liquor, A1 and A2 used a nylon rope to strangle the deceased to death.

5. Ms.V.Gayathri, the learned counsel for the petitioner/A1, would submit that the impugned judgement is liable to be set aside as there is absolutely no evidence to connect the petitioner/A1 to the alleged crime;



that A2 and A3 were acquitted by the Trial Court and the Trial Court ought to have acquitted the petitioner/A1 as well; and that none of the circumstances have been established against the petitioner except for the extra judicial confession given by the petitioner to the Village Administrative Officer/P.W.15, which does not inspire confidence, and hence, prayed for suspension of sentence.

6.Mr.C.R.Malarvannan, the learned counsel for the Government of Tamil Nadu (Crl.Side) would submit that the deceased suffered a homicidal death; that the petitioner had a motive and there are circumstances to corroborate the extra judicial confession given by the petitioner to P.W.15. Hence, he prayed for dismissal of the petition.

7. It is seen from the records that all the witnesses, including the mother of the deceased, examined by the prosecution, namely P.W.1 to P.W.12, P.W.14, P.W.17 and P.W.18, to establish motive turned hostile. The prosecution seeks to rely upon the extra judicial confession said to have been made by the petitioner to P.W.15. The petitioner was not known to P.W.15 earlier. There is no other evidence to corroborate the



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aforesaid extra judicial confession to P.W.15. The extra judicial confession being a weak piece of evidence, cannot be the sole basis to hold the petitioner guilty. Hence, the petitioner has made out a *prima facie* case for suspension of sentence. Therefore, we are inclined to grant the relief of suspension of sentence to the petitioner herein.

8. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two independent sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Villupuram.
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if they are not able to appear before the trial Court on any day, they shall make



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arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.

(A.S.M.,J.) (S.M.,J.)
13-08-2026

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

Note: Issue order copy by 13.08.2026.

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To

1. The Sessions Judge,
Special Court for Exclusive Trial of Cases Registered under the
Scheduled Castes and the Scheduled Tribes
(Prevention of Atrocities) Act, 1989,
Villupuram.
2. The Judicial Magistrate,
Villupuram.
3. The Deputy Superintendent of Police
Tindivanam Sub-Division,
Mailam Police Station,
4. The Superintendent of Prisons,
Central Prison,
Cuddalore.
5. The Public Prosecutor
High Court of Madras.



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

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