

Crl.M.P.(MD) Nos.2040, 3026 and 6527 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2026

CORAM

**THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**CRL.MP(MD) No.2040, 3026 and 6527 of 2026
in
Crl.A(MD)Nos.148, 203 and 368 of 2026**

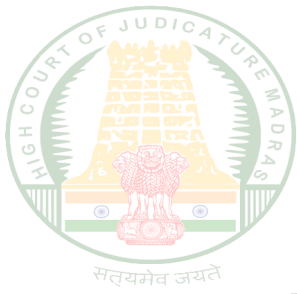
Subakar	: Petitioner/A1 in Crl.MP(MD)No.6527 of 2026
Ramesh	
Suresh	: Petitioners/A3 and A4 in Crl.MP(MD)No.2040 of 2026
Madasamy	:Petitioner/A5 in Crl.MP(MD)No.3026 of 2026

Vs.

State of Tamil Nadu
rep. By Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.
(CrimeNo.129 of 2015)

: Respondent/Complainant

COMMON PRAYER: Petitions filed under Section 430(2) of BNSS to suspend the sentence imposed on the petitioners/A1, A3 to A5 in SC No. 148 of 2019, dated 08/11/2025 by the 1st Additional District and Sessions Judge, Thoothukudi and to enlarge them on bail till the disposal of the appeals.



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For Petitioner/A1 in
Crl.MP(MD)No.6527 of 2006 : Mr.KA.Raamakrishnan

For Petitioners/A3 and A4 in
Crl.MP(MD)No.2040 of 2026 : Mr.K.Althaf Sheriff
for M/s.Ajmal Associates

For Petitioner/A5 in
Crl.MP(MD)No.3026 of 2026 : Mr. J.Goutham

For Respondent : Mr.C.Christopher
Counsel for State of Tamil Nadu (Crl. side)

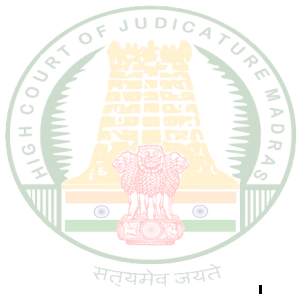
COMMON ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

These Criminal Miscellaneous Petition are filed to suspend the sentence imposed against the petitioners/A1, A3 to A5 in SC No.148 of 2019, dated 08/11/2025 by the 1st Additional District and Sessions Judge, Thoothukudi and to enlarge them on bail till the disposal of the appeals.

2.The petitioners/A1, A3 to A5 stand convicted and sentenced as under:-

Section of Law	Sentence of imprisonment	Fine amount
302 r/w 34 of IPC	Life Imprisonment	Rs.10,000/-, in default to undergo 3 months SI.



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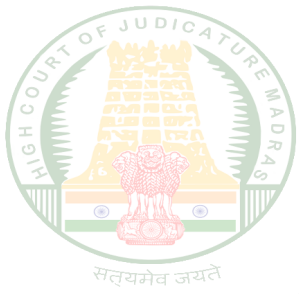
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148 of IPC

3 years RI

Rs.5,000/-, in default
to undergo 1 month SI

3.The case of the prosecution is that there was previous enmity between A1 and the deceased, Pon Nimesh, and due to the same, A1 to A4 joined together on 24/04/2015 at about 07.00 p.m. at Kulanthukarai, on the north of Pathirakaliamman Temple, Kulayankarisal, and criminally conspired to murder the said Pon Nimesh. The further case of the prosecution is that on 25/04/2015 at about 18.15 hours, when the deceased, along with PW1 and PW2, was walking in front of Ramakrishnan Sound Service, A1 to A5 unlawfully assembled and thereafter A1 and A2 assembled there with an aruval each, A3 and A4 assembled with a knife each, and A5 armed with a wooden handle of a shovel, and wrongfully restrained the said Pon Nimesh. A5 assaulted the said Pon Nimesh on his head, and when the said Pon Nimesh fell down, A1 to A4 assaulted him with aruvals and knives and caused cut injuries and stab injuries all over his body and as a result of the injuries, he died on the way to the Government Hospital, Thoothukudi.



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3.1. Based on the complaint given by the complainant (PW1), a case in Crime No.129 of 2015 was registered by the respondent police for the offences punishable under Sections 120B, 147, 148, 341 and 302 read with 149 IPC. The respondent police, after completion of the investigation, filed the final report before the Judicial Magistrate No.I, Thoothukudi, in P.R.C. No.22 of 2017 and after the appearance of the accused, copies were served under Section 207 Cr.P.C. Thereafter, the case was committed to the Court of the I Additional District and Sessions Judge, Thoothukudi, and the case was taken up for trial in S.C No.148 of 2019. During the trial, the charges were altered to Sections 120B, 148 and 302 read with 34 IPC. On the side of the prosecution, PW1 to PW26 were examined, Exs.P1 to P50 were marked and M.O.1 to M.O.14 were produced. On the side of the defence, no oral or documentary evidence was adduced. When the accused were questioned under Section 313 Cr.P.C., they denied the charges. After hearing both sides, the trial Court convicted the accused for the offences punishable under Sections 148 and 302 read with 34 IPC, as stated above. Challenging the same, the present criminal appeals have been filed.



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4.The main ground urged by the learned counsel appearing for the petitioners is that the presence of PW1 to PW3 and their witnessing the incident is highly doubtful. Even as per the prosecution case, the body of the deceased was taken in a Car and from there, he was shifted to an Ambulance and brought to the hospital. Neither the Car was seized nor the ambulance driver was examined in this case.

5.It is further argued that there is a considerable delay in giving the complaint, though the alleged occurrence is said to have taken place on 25/04/2015 at 06.15 p.m. the complaint has been preferred only on 26/04/2025, and there is no plausible explanation for the delay. It is further urged that the independent witnesses namely PW5 to PW9, PW13, PW18, and PW19 turned hostile and did not support the case of the prosecution. Further, PW1 has also admitted that he had preferred an application seeking transfer of the investigation to the CBCID. As per his claim, few other persons are said to have been involved in this case, and in view of the above circumstances, the trial Court, without properly analysing the evidence, found the petitioners guilty. He further submits that there are arguable points available and thereby prays for allowing these petitions.



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6.The learned counsel for the State of Tamil Nadu appearing for the respondent Police would submit that it is a case where the accused waylaid the deceased, restrained him and brutally assaulted him indiscriminately with knives and aruval, thereby causing his death. So far as the delay in giving the complaint is concerned, PW1 has explained the reason for the delay stating that the Inspector of Police was not available at the police station and therefore, there was a delay in registering the case. He, therefore, strongly opposed the grant of suspension of sentence to the petitioners.

7.Heard the learned counsel on either side and perused the materials available on record.

8.Considering the period of incarceration suffered by the petitioners and considering that there are several arguable points and that the likelihood of the appeals being taken up for final hearing in the near future is also not probable, we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioners.



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9. Accordingly, the Criminal Miscellaneous Petitions are allowed and the substantive sentence of imprisonment alone imposed on the petitioners herein is suspended, subject to the following conditions:-

i. The petitioners are directed to be enlarged on bail on each of them executing a bond for Rs.10,000/- (Rupees Ten thousand only) each with two sureties, each for a like sum to the satisfaction of the learned I Additional District and Sessions Judge, Thoothukudi.

ii. 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 passbook to ensure their identity.

iii. The petitioners shall stay at Vellore and and sign before the Adukkamparai Police Station daily at 10.00 a.m till the disposal of the Criminal Appeals.



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iv.The petitioner/A1 in Crl.MP(MD) No.6527 of 2026 is permitted to appear before the trial Court on the dates of hearing on which the case is pending against him, and on those days, he need not sign before the Adukkamparai Police Station.

[A.D.J.C., J.] [R.P., J.]
06.07.2026

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Copy to

- 1.The I Additional District and Sessions Judge,
Thoothukudi.
- 2.The Inspector of Police
Pudukottai Police Station,
Thoothukudi District.
- 3.The Central Prison, Palayamkottai.



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