

CrL.M.P.(MD) No.5735 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**

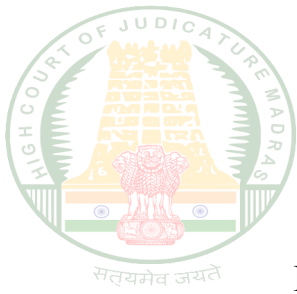
**CRL.MP(MD) No.5735 of 2026
in
Crl.A(MD)No.329 of 2026**

Muthupandi @ Thangapandi : Petitioner/Appellant/A1

Vs.

State of Tamil Nadu
Rep. By The Inspector of Police,
Palani Taluk Police Station,
Dindigul District.
(In Crime No.721 of 2015) : Respondent/Respondent/Complainant

PRAYER: Petitions filed under Section 430 of BNSS, 2023 to suspend the sentence judgment passed in SC No.52 of 2018 dated 28/07/2025 on the file of the Additional District Court (Fast Track), Palani, as against the petitioner and to enlarge him on bail pending disposal of the appeal.



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For Petitioner

: M/s.K.Srinidhi Priya
for Mr.Niranjan S.Kumar

For Respondent

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

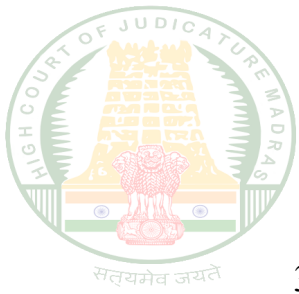
ORDER

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

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed against the petitioner in SC No.52 of 2018, dated 28/07/2025 passed by the Additional District Court (Fast Track), Palani, and enlarge him on bail pending disposal of the Criminal Appeal.

2. The petitioner stands convicted and sentenced as under:-

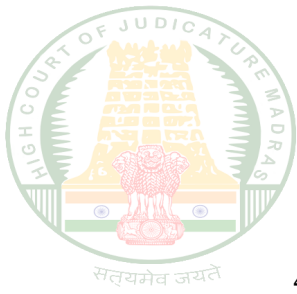
Section of Law	Sentence of imprisonment	Fine amount
302 IPC	Life imprisonment	Rs.10,000/-, in default to undergo 6 months SI.
506(ii) IPC	-	Rs.5,000/-, in default to undergo 3 months SI



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3.The case of the prosecution is that on 17/08/2015 at about 08.30 p.m., when the deceased, Kumaresan returned to his house after finishing his work, A1 to A5 waylaid him and the petitioner/A1 assaulted him with an aruval, resulting in injuries. Based on the complaint given by PW1, initially, a case in Crime No.721 of 2015 was registered by the respondent police for the offences under Sections 294(b), 307, and 506(ii) IPC. Upon the death of the said Kumaresan, the case was altered to one under Section 302 IPC. The respondent, after completing the investigation, filed a final report in PRC No.19 of 2016 on the file of the Judicial Magistrate, Palani. Later, the case was committed to the Court of Session, namely, the Additional District Court (Fast Track), Palani, and the case was taken on file as S.C No.52 of 2018. On the side of the prosecution, PW1 to PW17 were examined, Exs.P1 to P28 were marked, and MO1 to MO8 were produced. When the accused were questioned under Section 313 Cr.P.C., they denied the charges. On the side of the accused, DW1 and DW2 were examined, and Exs.B1 and B2 were marked. After hearing both sides, the trial Court convicted the petitioner/A1 for the offences punishable under Sections 506(ii) and 302 IPC, as stated above. Challenging the same, the present criminal appeal has been filed.



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4.The learned counsel appearing for the petitioner would submit that the place of occurrence and the presence of PW1 at the scene of occurrence are doubtful. As per the complaint Ex.P1, the occurrence was said to have happened while the deceased was returning home and subsequently, the place of occurrence was narrated as if the occurrence had taken place in front of the deceased's house. The trial Judge, having disbelieved the evidence of PW4 and PW5, who were alleged to be the eye-witnesses, acquitted A2 to A4 and, therefore, ought to have also acquitted A1. He would further submit that there are several arguable points available in this case.

5.The learned Counsel appearing for the State of Tamil Nadu (Criminal Side) for the respondent would submit that the petitioner/A1, along with the other accused waylaid and inflicted cut injuries on the deceased, resulting in his death on the next day. Hence, the Trial Court has rightly convicted the petitioner/A1 and thereby prays for dismissal of the petition.



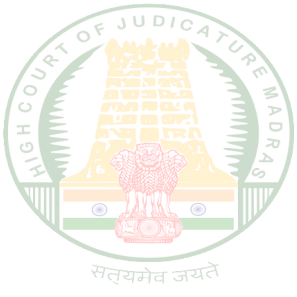
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6.Since the allegation against the other accused was that they had caught hold of the deceased, they have been acquitted by the Trial Court. As far as the petitioner/A1 is concerned, there is a specific overt act. However, considering the period of incarceration undergone by the petitioner and considering that there are several arguable points and further considering that the likelihood of the appeal 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 petitioner/A1.

7.Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioner herein is suspended, subject to the following conditions:-

i.The petitioner is directed to be enlarged on bail on 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 Additional District Court (Fast Track), Palani.



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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 petitioner shall stay at Kanyakumari and sign before the Kanyakumari Police Station, daily at 10.30 a.m until further orders.**

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

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Copy to:-

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- 1.The Additional District court (Fast Track), Palani.
- 2.The Inspector of Police,
Palani Taluk Police Station,
Dindigul District.
- 3.The Central Prison, Madurai.



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