

CrL.M.P.(MD) No.9140 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2026

CORAM

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

**CRL.MP(MD) No.9140 of 2026
in
Crl.A(MD)No.504 of 2026**

1.Sampathkumar
2.Paramasivam

: Petitioners/Appellants/A1 and A3

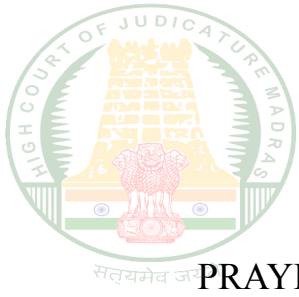
Vs.

1.State of Tamil Nadu
rep. By The Deputy Superintendent of Police,
Oomachikulam Sub Division,
Karuppayurani Police Station,
Madurai District.
(In Crime No.26 of 2016)

2.The Inspector of Police,
Karuppayurani Police Station,
Madurai District.
(In Crime No.26 of 2016)

: Respondents 1 and 2/
Respondents 1 and 2/Complainant
: 3rd Respondent/3rd Respondent/
De-facto Complainant

3.Manthaiammal



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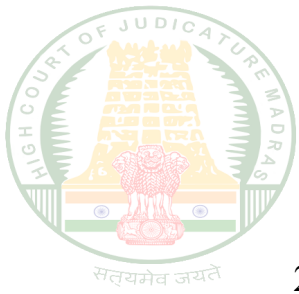
PRAYER: Petition filed under Section 430(1) of BNSS to suspend the sentence imposed on the petitioners/appellants/Accused No.1 and 3 in Special SC No.46 of 2018, dated 08/04/2026 on the file of the III Additional District and Sessions Judge, (PCR), Madurai and enlarge them on bail till the disposal of the appeal.

For Petitioners : Mr.P.Ganapathi Subramanian
For Respondents 1 and 2 : Mr.C.Christopher
Counsel for State of Tamil Nadu (CrI. Side)
For 3rd Respondent : Mr.A.Vadivel
(No appearance)

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 petitioners/A1 and A3 in Special SC No.46 of 2018, dated 08/04/2026 by the III Additional District and Sessions Judge, (PCR), Madurai and to enlarge them on bail till the disposal of the appeal.



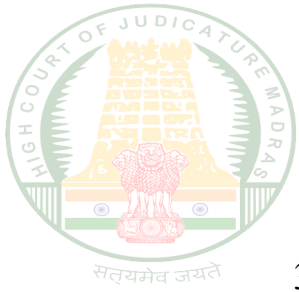
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under:-

Section of Law	Sentence of imprisonment	Fine amount
148 of IPC	One year RI	Rs.1,000/-, each in default to undergo one month SI.
341 of IPC	One month SI	-
302 r/w 149 IPC	Life Imprisonment	Rs.5,000/-, each in default to undergo 3 months SI.

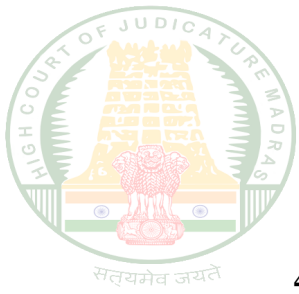
3.According to the prosecution, the de-facto complainant, namely, Manthaiammal (PW1), who is the second wife of the deceased belongs to the Scheduled Caste community, whereas all the accused belong to the Backward Class community. At the time of the occurrence, both the de-facto complainant (PW1) and the deceased were residing at Odaipatti, Karuppayurani, Madurai District. The accused were also residents of Odaipatti. A1 to A3 are brothers, A4 is a relative of A1, and A5 and A6 are friends of A4.



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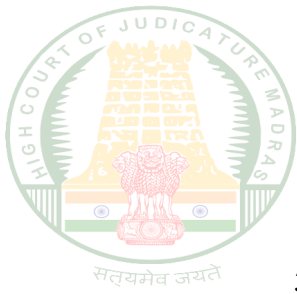
3.1.It is the further case of the prosecution that the deceased, Chinnakaruppaiah, contested the Tindiur Panchayat election against the candidate supported by A1. A1 allegedly threatened the deceased to withdraw from the election. It is further alleged that A1 had encroached upon Government land in Odaipatti Village and constructed a hut thereon. In this regard, the deceased submitted a petition to the District Collector, Madurai, on behalf of the local residents. Due to the above incidents, the accused allegedly entered into a criminal conspiracy and formed themselves into an unlawful assembly with the common object of murdering the deceased, Chinnakaruppaiah. While so, on 21/01/2016 at about 02.30 p.m., when the deceased was transporting waste water from Veerapanjan in a two-wheeler bearing Registration No.TN-59-AD-4606 and was proceeding on the Madurai–Sivagangai Main Road, near Gunasekaran Rice Mill Compound, Odaipatti, A3/Paramasivam allegedly threw a stone at the deceased, causing him to fall from the motorcycle. Thereafter, all the accused, armed with aruvals and sharp-edged knives, indiscriminately attacked the deceased on various parts of his body. As a result of the multiple injuries and severe haemorrhage, the deceased died on the spot.



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4. Based on the complaint lodged by the de-facto complainant (PW1), a case in Crime No.26 of 2016 was registered by the second respondent police for the offences punishable under Sections 147, 148, 341, 294(b) and 302 IPC read with Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, 1989. After completion of the investigation, the first respondent police filed the final report before the Judicial Magistrate No.II, Madurai, in P.R.C No.26 of 2017 for the offences punishable under Sections 147, 148, 120-B, 341, 294(b) and 302 read with Section 149 IPC, read with Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, 1989. After the appearance of the accused, copies of the documents were furnished to them under Section 207 Cr.P.C. Thereafter, the case was committed to the Court of the III Additional District and Sessions Judge (PCR), Madurai, and taken on file as Special S.C. No.46 of 2018. On the side of the prosecution, P.W.1 to P.W.20 were examined, Exs.P1 to P38 were marked, and M.O.1 to M.O.11 were produced. When the accused were questioned under Section 313 Cr.P.C., they denied the incriminating circumstances appearing against them. On the side of the defence, D.W.1 to D.W.3 were examined and Exs.D1 to D10 were marked.



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5. Upon considering the oral and documentary evidence, the trial Court convicted the petitioners/A1 and A3 for the offences punishable under Sections 148, 341 and 302 read with Section 149 IPC, as stated above. Aggrieved by the said conviction and sentence, the present criminal appeal has been filed.

6. The learned counsel appearing for the petitioners/A1 and A3 submitted that he is not pressing the petition insofar as the first petitioner/A1 is concerned. He would further submit that, insofar as the second petitioner/A3 is concerned, the only allegation against him is that he threw a stone on the deceased while he was riding the two-wheeler, causing him to fall down, and thereafter the other accused allegedly attacked the deceased indiscriminately with aruvals and other sharp-edged weapons.

7. The learned counsel would further submit that the trial Court failed to take note of the material inconsistencies in the evidence of the prosecution witnesses. Though the occurrence is alleged to have taken place in an open area at about 2.30 p.m., no independent witness has been

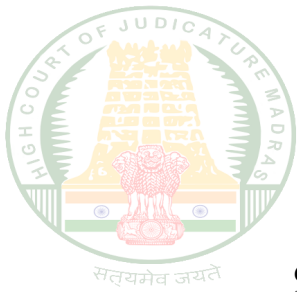


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examined. According to him, the presence of PW2 to PW4 at the scene of occurrence is highly doubtful. In order to establish that PW2 to PW4 were not present at the scene of crime, the petitioners examined defence witnesses. It is further contended that due to political rivalry arising out of the Panchayat election, the petitioners have been falsely implicated in the case. Therefore, it is submitted that the trial Court, without properly appreciating the evidence on record, erroneously found the second petitioner/A3 guilty. He would further submit that several arguable points arise for consideration in the appeal and therefore, prays for suspension of sentence in respect of the second petitioner/A3.

8.Per contra, the learned counsel appearing for the State of Tamil Nadu for the respondents 1 and 2, by filing a detailed counter, opposed the petition. He would submit that the second petitioner/A3 was also a member of the unlawful assembly and therefore, by virtue of Section 149 IPC, he is equally liable for the offence committed by the other members in furtherance of the common object of the unlawful assembly. Hence, he strongly opposed the grant of suspension of sentence to the second petitioner/A3.



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

10. Considering the above facts and circumstances of the case and also considering the fact that there are several arguable points available in this case and also considering the fact 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 2nd petitioner/A3 alone. Accordingly, the Criminal Miscellaneous Petition is allowed in respect of the 2nd petitioner/A3 alone and the substantive sentence of imprisonment alone imposed on the 2nd petitioner/A3 herein is suspended, subject to the following conditions:-

i. The 2nd petitioner/A3 is directed to be enlarged on bail on his executing a bond for Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned III Additional District and Sessions Judge, (PCR), Madurai.



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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 2nd petitioner/A3 shall stay at Villupuram and and sign before the Villupuram Town Police Station daily at 10.00 a.m until further orders.

11.In view of the endorsement made by the learned counsel appearing for the petitioners, this Criminal Miscellaneous Petition is **dismissed as withdrawn in respect of the 1st petitioner/A1.**

[A.D.J.C., J.] [R.P., J.]
27.07.2026

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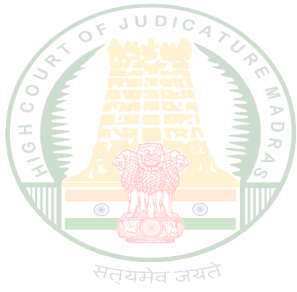


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- 3.The Inspector of Police,
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Madurai District.
- 4.The Superintendent,
Central Prison, Madurai.



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