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CRL MP(MD) No. 10253 and 10255



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2026

CORAM

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

**CRL MP(MD) Nos. 10253 and 10255 of 2026
in
Crl.A(MD)No.631 of 2026**

Gopiraj Petitioner in Crl.O.P(MD) No.10253 of 2026

Radhakrishnan Petitioner in Crl.O.P(MD) No.10255 of 2026

Vs

The Inspector of Police
Kurumbur Police Station,
Thoothukudi
Thoothukudi District
Crime No.145 of 2015

....Respondent

Common Prayer: Petition filed under Section 430(1) of B.N.S.S to suspend the sentence delivered in SC No.81 of 2019 dated 20.04.2026 on the file of the learned I Additional District and Sessions Judge, Thoothukudi, Thoothukudi District till the disposal of the main appeal and enlarge the petitioner on bail.

(In both petitions)

For Petitioners : Mr.Ka.Raamakrishnan

For Respondent : Mr.C.Christopher
Government Advocate(Crl.Side)



COMMON ORDER

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

Seeking to suspend the sentence imposed on the petitioners by the learned I Additional District and Sessions Judge, Thoothukudi, Thoothukudi District, vide judgment dated 20.04.2026 in SC No.81 of 2019 the present Criminal Miscellaneous petitions have been filed.

2. The petitioners 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/- i/d to undergo three months simple imprisonment

3. The case of the prosecution is that in furtherance of a family dispute in respect of a pre-existing land dispute on 21.08.2015 at about 21.00 hrs all the accused formed an unlawful assembly with deadly weapons and attacked the victim with a wooden log resulting in the victim sustaining multiple injuries. Thereafter, the victim was taken to a hospital, and was admitted there on the same day at about 1.15 a.m., and later he died on 25.08.2015 while taking treatment there. Based on the complaint a case has been registered in Crime No.145 of 2015 for the offences under Sections 147, 342, 294(b), 323, 307 & 506(ii) of IPC and was subsequently altered to Section 147, 148, 342, 294(b), 302, 506(ii) r/w. 149 of IPC.



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4. The respondent police after completion of investigation filed a final report before the learned Judicial Magistrate, Srivaikundam and thereby the same was taken on file in PRC No. 36 of 2016 and was committed to Principal District and Sessions Judge, Thoothukudi. Thereafter, the case was made over to the I Additional District and Sessions Court, Thoothukudi and was taken for trial in SC No.81 of 2019. On the side of the prosecution, P.W.1 to P.W.19 were examined and Ex.P.1 to Ex.P.29 were marked and M.O.1 to M.O.11 were cited. When the accused was questioned under Section 313 of Cr.P.C., they denied all charges. On the side of the accused no witness was examined and no document was marked. After hearing both sides the trial Court convicted A1, A2 & A5 and acquitted A3, A4, A6 & A7. Challenging the same, the above mentioned criminal appeals have been filed by A2 and A5.

5. The learned counsel appearing for the petitioners would submit the incident had happened on 21.08.2015 and the deceased passed away only on 25.08.2015 which is nearly after five days from the date of the incident. As per the postmortem report, all the injuries were mere abrasions and the overt act attributed by the prosecution as against the first petitioner is that the first petitioner attacked the victim on the left knee. In so far as the second petitioner is concerned, the prosecution's case that the victim has not attributed any overt act to the second petitioner. Based on the same evidence the trial Court has acquitted A3, A4, A6 and



A7. The petitioners were on bail during the trial and they have not misused the liberty granted to them. Apart from that, there are several arguable points, whereas the appeal is of the year 2026 and therefore the likelihood of the appeal being taken up for final hearing in the near future is also not probable and hence, he would pray for grant of suspension of sentence to the petitioners.

6. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that all the accused persons unlawfully assembled together with deadly weapons and brutally assaulted the deceased and thereby caused his death . Therefore, he urged that the prosecution has proved the case beyond reasonable doubt and thereby considering the same, the Trial Court has rightly convicted the accused. Hence, he would vehemently oppose for grant of suspension of sentence to the petitioners.

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

8. It is an application for suspension of sentence and hence, we would not propose to delve deep into the evidence at this stage. Having gone through the records, we find that there are several arguable points and 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 petition is 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 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 Judicial Magistrate, Srivaikundam
- 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 report before the trial Court on the first working day of every English Calendar month at 10.30 a.m., till the disposal of the appeal

[A.D.J.C., J.] [R.P., J.]
06.08.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Judicial Magistrate, Srivaikundam

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2. The Inspector of Police
Kurumbur Police Station,
Thoothukudi
Thoothukudi District

3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai



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