

CRL.MP(MD)No.10887 of 2026 ...
CRL.A(MD)No.842 of 2025



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.07.2026

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CRL.MP(MD)No.10887 of 2026
in
CRL.A(MD)No.842 of 2025**

Santhoshkumar

... Petitioner

vs.

State of Tamilnadu rep by
The Inspector of Police,
Annavasal Police Station,
Pudukkottai District.
(In Crime No.649 of 2021)

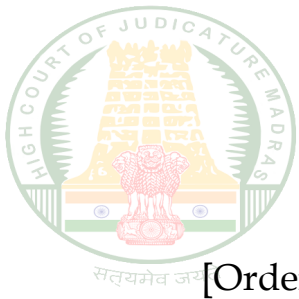
... Respondent

Petition filed under Section 430(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed by the learned Principal District and Sessions Judge, Pudukkottai, in S.C.No.111 of 2021 dated 28.03.2022, enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.S.M.A.Jinnah

For Respondent : Mr.C.Christopher

Government Advocate (Crl.Side)



ORDER

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

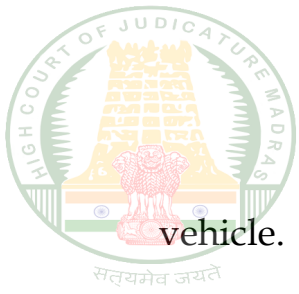
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Seeking to suspend the sentence imposed on the petitioner/sole accused by the learned Principal District and Sessions Judge, Pudukkottai, in S.C.No.111 of 2021 dated 28.03.2022, he has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
302 IPC	To undergo life imprisonment with the comment under Rule 145 of the Criminal Rules of Practice 2019 that the life imprisonment thereto not to be remitted / commuted by the Government unless he suffers 40 years actual imprisonment in prison.	Rs.10,000/- in default to undergo two years simple imprisonment

3. The case of the prosecution is that the deceased Leelavathi and the petitioner herein are mother and son and they lived under one roof. On 31.08.2021 at about 7.30 a.m., the deceased Leelavathi and the petitioner were in their house at Maruthanthalai and the petitioner demanded money from his mother for redeeming pledged "Pulsar"



vehicle. When the deceased Leelavathi refused stating that she had no money, the petitioner/accused rushed inside the kitchen and took a bottle consisting of two liters of kerosene and poured the same on her. Further, with an intention to kill her, the petitioner/accused set fire on her, owing to which, the deceased Leelavathi sustained 70% burn injuries and the petitioner/accused also sustained injuries, at the time of occurrence.

4. The learned counsel appearing for the petitioner would submit that the initial document which came into existence in this case is Exs.P11 and P12 – Accident Registers in respect of the petitioner and the deceased respectively. PW9-Dr.Rajeshkumar in his deposition has stated that the petitioner as well as his mother had informed him that both of them attempted to commit self-immolation. Further, PW2-Mohan and PW3-Selvi who are said to have witnessed the occurrence, have also categorically deposed that the petitioner attempted to hug his mother in order to save her. Learned counsel would further submit that the petitioner had taken his mother to the hospital and the petitioner has also suffered 15% burn injuries. As per Ex.P5-postmortem report, the



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reason for death is Septicemia due to 70% burn injuries and the victim died after five days of the occurrence. The trial Court has also failed to take into consideration the improvements in the dying declaration. Learned counsel would further submit that the petitioner is in custody for the past 4 years from 28.03.2022 and he was on bail during trial. Therefore, the learned counsel would pray for suspension of sentence.

5. The respondent has filed a counter. The learned Government Advocate (Crl.Side) appearing for the respondent – Police, would submit that the petitioner had committed murder of his own mother which is a case of matricide, where since the deceased did not give money to the petitioner, he got enraged by the same, poured kerosene on his mother and set fire on her. Further, the petitioner has got two pending cases. Thus, he would vehemently oppose for grant of suspension of sentence.

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

7. Taking into consideration the period of incarceration, the fact that there are several arguable points in the appeal and considering that



the likelihood of the appeal being taken up for final disposal is not in the near future, we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioner.

8. 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) with two sureties, each for a like sum to the satisfaction of the District Munsif cum Judicial Magistrate, Iluppur.

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.

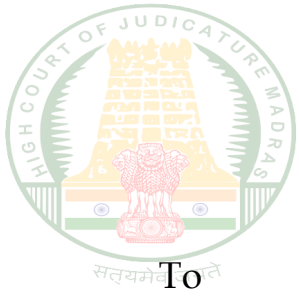
iii. The petitioner shall stay at Pudukkottai and report before the trial Court daily at 10.30 a.m., on all working days until further orders.

[A.D.J.C., J.] [T.V.T.S., J.]

03.07.2026

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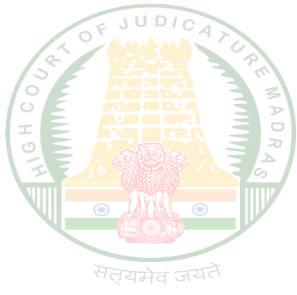
Note : Issue order copy on 07.07.2026.



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To
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1. The Judge,
Principal District and Sessions Judge,
Pudukkottai.
2. The Inspector of Police,
Annavasal Police Station,
Pudukkottai District.
3. The Superintendent,
Central Prison,
Trichy.
4. The Government Advocate (Crl.Side)
Madurai Bench of Madras High Court,
Madurai.



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A.D.JAGADISH CHANDIRA, J.
AND
T.V.THAMILSELVI, J.

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CRL.MP(MD)No.10887 of 2026
in
CRL.A(MD)No.842 of 2025

DATED : 03.07.2026