

Crl.M.P.(MD) No.11736 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2026

CORAM

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

**CRL.MP(MD) No.11736 of 2026
in
Crl.A(MD)No.1266 of 2025**

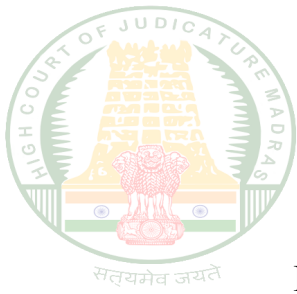
Marimuthu : Petitioner/Appellant/A1

Vs.

State of Tamil Nadu
Rep. By the Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.
(Crime No.169/2017)

: Respondent/Respondent/Complainant

PRAYER: Petitions filed under Section 430(1) of BNSS to suspend the sentence of imprisonment imposed on the petitioner/A1 in the judgment and conviction delivered by the I Additional Sessions Judge, Tirunelveli, in SC No.557 of 2018, vide Judgment, dated 11/11/2025 and enlarge the petitioner on bail pending disposal of the criminal appeal.



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For Petitioner

: Mr.SR.Muthuvasan
for Mr.J.Madhan

For Respondent

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

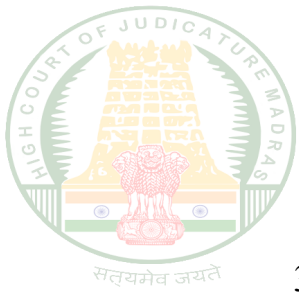
ORDER

[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/A1 in SC No.557 of 2018, dated 11/11/2025 passed by the I Additional Sessions Judge, Tirunelveli and enlarge him on bail pending disposal of the Criminal Appeal.

2.The petitioner/A1 stands convicted and sentenced as under:-

Section of Law	Sentence of imprisonment	Fine amount
148 of IPC	3 years Simple Imprisonment	Rs.2,000/-, in default to undergo one month SI
449 of IPC	9 years Simple Imprisonment	Rs.5,000/-, in default to undergo one year SI.
302 of IPC	Life Imprisonment	Rs.10,000/-, in default to undergo one year SI.



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3.The case of the prosecution is that the deceased was the son of PW1. A1 is the son of A5; A4 is the daughter of A5; A2 is the sister's son, and A3 is the son-in-law of A5; A6 and A7 are brothers. The deceased married A4 in the year 2016. There was some matrimonial dispute, as a result of which the deceased was willing to return the gold jewellery and articles to A4. It is alleged that the deceased refused to return the gold ornaments and articles and, therefore, there was previous enmity. On 17/07/2017 at about 15.00 hours, A1, A3, A4, and A5, along with another person, went to the house of the deceased and demanded the return of the gold ornaments belonging to A4. On the same day, at about 16.00 hours, when the deceased was inside the house of PW1 and PW2 and PW6 were sitting outside the house. A1 to A5 came to the said house and A1 and A2 attacked the deceased with a bill hook, resulting in serious injuries, due to which the deceased succumbed to death. PW1 gave a complaint in this regard, which was registered in Crime No.169 of 2017 for the offences under Sections 120(b), 148, 149, 449, and 302 of the IPC. The respondent, after completing the investigation, filed a final report in P.R.C No. 75 of 2018 on the file of the Judicial Magistrate Court, Cheranmahadevi. Later, the case was committed to the Court of the I Additional District and



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Sessions Judge, Tirunelveli, and was taken on file by the said Court as S.C No. 557 of 2018. On the side of the prosecution, PW1 to PW20 were examined, Exs.P1 to P35 were marked, and MOs. 1 to 10 were produced. On the side of the defence, no oral or documentary evidence was adduced. When the petitioner/A1 was questioned under Section 313 Cr.P.C., he denied the charges. After hearing both sides, the trial Court convicted the petitioner/A1 for the offences punishable under Sections 148, 449, and 302 of the IPC, as stated above. Challenging the same, the present criminal appeal has been filed.

4.The learned counsel appearing for the petitioner/A1 would submit that PW6 was examined as an eyewitness to the occurrence, whereas PW6 has turned hostile and did not support the prosecution case. However, PW2, who is the wife of PW6 has specifically stated that PW6 was not present at the scene of the crime. Therefore, the only eyewitness accounts that can be relied upon in the present case are those of PW1 and PW2. The learned counsel would further submit that there was a prior complaint based on which the police came to the scene of the crime and that the place of occurrence is also doubtful and that the deceased is said to have been

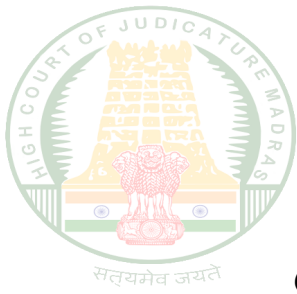


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done to death with a sharp-edged weapon. However, the rough sketch does not disclose the sharp-edged weapon. Hence, a specific question has been put to the Doctor PW13, who conducted the post-mortem. He would further submit that, in respect of the similarly placed accused namely A2, suspension of sentence has already been granted by this Court in CrI.MP(MD)No.5666 of 2026, dated 06.04.2026. Hence, he would urge that there are arguable points involved in the matter and therefore, he prays for allowing this petition.

5.Per contra, the learned Counsel for the State of Tamil Nadu (Cr. Side), appearing on behalf of the respondent would submit that the eye-witness accounts of PW1 and PW2 specifically deal with the overt act attributed to the petitioner/A1. He would further submit that the incident had taken place inside the house of PW2 and therefore, there is no reason to disbelieve the evidence of PW1 and PW2. He would fairly admit that A2, against whom a similar overt act has been attributed as that of the petitioner/A1, has been granted suspension of sentence by this Court in CrI.MP(MD) No.5666 of 2026, dated 06/04/2026.



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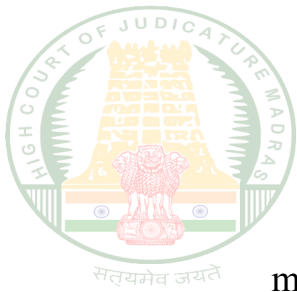
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6.Taking into consideration the above facts and circumstances of the case and further considering that the similarly placed accused have been granted suspension of sentence by this Court, and also considering the fact that there are several arguable points and 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 this is a fit case for grant of suspension of sentence to the petitioner/A1.

7.Accordingly, this Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioner/A1 herein is suspended, subject to the following conditions:-

i.The petitioner/A1 directed to be enlarged on bail on executing a bond for Rs.25,000/- with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned I Additional Sessions Judge, Tirunelveli.

ii.The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court



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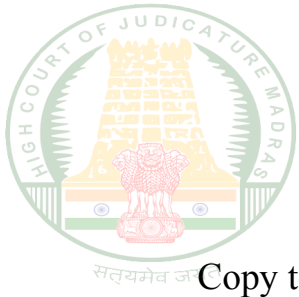
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may obtain a copy of their Aadhar card or Bank passbook to ensure their identity.

iii.The petitioner/A1 shall appear and sign before the trial Court at 10.30 am, on the first working day of every English Calender month, till the disposal of the Criminal Appeal.

[A.D.J.C., J.] [R.P., J.]
08.07.2026

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Copy to

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- 1.The I Additional Sessions Judge, Tirunelveli.
- 2.The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.
- 3.The Central Prison,
Palayamkottai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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