



CrI.M.P(MD)No.13929 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2026

CORAM:

THE HONOURABLE **MR.JUSTICE A.D.JAGADISH CHANDIRA**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

CrI.M.P(MD)No.13929 of 2026

in

CrI.A(MD)No.1272 of 2025

1.Subbiah

2.Rajkumar

... Petitioner(s)

- Vs. -

-

1.The State of Tamilnadu
Rep By the Inspector of Police,
Masarpatti, Police Station,
Thoothukudi District.
(Crime No.115/2013)

... Respondent(s)

Prayer:To suspend the sentence imposed against the petitioners in SC.No.142 of 2014 dated 14.10.2025 passed by the learned I Additional Sessions Judge, Thoothukudi and enlarge the petitioners on bail pending disposal of the above appeal.



WEB COPY

CrI.M.P(MD)No.13929 of 2026

For Petitioners : Mr.S.Vairamuthu
For Respondent : Mr.C.Christopher
Counsel for State of TN(Crl.side)

ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

Seeking to suspend the sentence imposed on the petitioners by the I Additional Sessions Judge, Thoothukudi, *vide* Judgment dated 14.10.2025 in S.C.No.142 of 2014, he has filed this criminal miscellaneous petition.

2. The petitioners stand convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
302 r/w 341 I.P.C.	To undergo Life Imprisonment	Rs.10,000/- i/d to under go three months simple imprisonment

3.The case of the prosecution is that there was previous enmity between the family of the deceased and the family of the accused on account of disputes relating to pig farming. On 20.09.2013, the family members of the first accused allegedly assaulted one Vellaithai, the wife of the deceased and in



CrI.M.P(MD)No.13929 of 2026

WEB COPY

connection with that an FIR was registered in Crime No. 101 of 2013 for the offences under Sections 294(b) and 323 IPC. Since the registration of the above FIR, there was enmity between the family members of the first accused and the deceased. A2 and A3 are the sons, A4 is the daughter, A5 is the wife and A6 is the junior maternal aunty of A1. On 14.11.2013, at about 7.00 p.m., A1 to A6 allegedly formed an unlawful assembly armed with deadly weapons in front of the house of A1, with an intention to murder the deceased viz., Muthu Muniyasamy. It is the further case of the prosecution that they wrongfully restrained the said Muthu Muniyasamy and abused him and A1 assaulted the said Muthu Muniyasamy with a centering rod on his right shoulder and the backside of his right shoulder. A3 allegedly assaulted the deceased with an *aruval* below his right knee on the backside. Thereafter, when the deceased fell down, A4 and A5 allegedly rolled and flipped him on the road, causing abrasions. Due to the injuries sustained in the said occurrence, the deceased succumbed to the same while he was being taken to the hospital. Based on which, a case has been registered in Cr.No.115 of 2013 against the accused for the offence under Sections 147, 148, 341, 294(b), 323, 324, 326, 307 and 302 r/w 149 IPC. After completion of investigation, the respondent filed a final report before the Judicial



CrI.M.P(MD)No.13929 of 2026

WEB COPY

Magistrate, Vilathikulam in PRC No.4 of 2014. After compliance of Section 207 of Cr.P.C., the case was committed to the Court of sessions and made over to the I Additional District and Sessions Court, Thoothukudi and was taken up for trial in S.C.No.142 of 2014.

4.On the side of the prosecution, P.W.1 to P.W.20 were examined and Ex.P.1 to Ex.P.20 were marked and M.O.1 to M.O.7 were marked. On the side of the defense, D.W.1 and D.W.2 were marked and Ex.D.1 to Ex.D.5 were marked.

5.The trial court, after hearing the counsel, found A1 and A3 guilty for the offence under Sections 302 r/w 34 IPC and convicted them and acquitted the other accused. Challenging the said conviction and sentence, the present appeal is filed.

6.The learned counsel for the petitioners would submit that it is the case and case in counter. Based on the complaint given by the petitioners' side, a case in Crime No.116 of 2013 was registered by the same respondent. He would further submit that the respondent police have not followed Tamil Nadu Police



CrI.M.P(MD)No.13929 of 2026

WEB COPY

Standing Order 588 and have failed to conduct a proper investigation to ascertain as to who was the aggressor in the occurrence. He would further submit that the respondent police have also not filed a final report in the counter case and have not marked the said final report before the trial Court. The petitioners had also sustained injuries in the said occurrence. Therefore, the trial Court, without properly appreciating the evidence available on record, has erroneously found the accused guilty.

7.The learned counsel for the State of T.N(Crl.side) filed a detailed counter and would submit that the trial Court, after a thorough analysis and appreciation of the evidence available on record, has rightly found the accused guilty. He would further submit that the FIR registered in Crime No. 116 of 2013 was referred as a “mistake of fact” and that the trial Court has rightly found that the injuries sustained by the petitioners were simple in nature. He therefore strongly opposed the grant of bail.

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



CrI.M.P(MD)No.13929 of 2026

WEB COPY

9. It is an application of suspension of sentence. We would not propose to delve deep into the evidence at this stage. The appeal is of the year 2025 and the petitioners are in incarceration. Further, the likelihood of the appeal being taken up for final hearing in the near future is also not possible. Having gone through the records and perused the materials available on record including the deposition, more particularly, the deposition of P.W.20/Investigating Officer, we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioners.

10. 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 I Additional Sessions Judge, Thoothukudi.
- ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a



CrI.M.P(MD)No.13929 of 2026

WEB COPY

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

iii. The petitioners shall stay at Salem and report before the Fairlands Police Station, daily at 10.30 am, until further orders.

iv. It is made clear that the petitioners shall not enter into the jurisdictional limits of the respondent Police Station until further orders.

[A.D.J.C.,J.] & [R.P.,J.]
29.07.2026

NCC:Yes/No

Index:Yes/No

Ns

To

1.The I Additional Sessions Judge,
Thoothukudi.

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

3.The Inspector of Police,
Fairlands Police Station,
Salem.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.M.P(MD)No.13929 of 2026

A.D.JAGADISH CHANDIRA, J.
AND
R.POORNIMA.,J.

Ns

CrI.M.P(MD)No.13929 of 2026
in
CrI.A(MD)No.1272 of 2025

29.07.2026