



CrI.M.P(MD)No.13806 of 2026

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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.13806 of 2026

in

CrI.A(MD)No.878 of 2025

1. Vijayakumar

2. Karthick

... Petitioner(s)

- Vs. -

1.The State of Tamilnadu
Rep by the Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
Crime No.148/2019.

... Respondent(s)

Prayer :To Suspend the sentence and release the petitioners/appellants on bail in S.C. No. 152/2019, on the file of the Learned Principal Sessions Court, Sivagangai, convicted vide judgment dt. 08.07.2025 and pass such further or other orders.



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For Petitioners : Mr.M.Deivanandam
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 Principal Sessions Court, Sivagangai, *vide* Judgment dated 08.07.2025 in S.C.No.152 of 2019, the petitioners have has filed this criminal miscellaneous petition.

2. The petitioners stand convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
302 I.P.C.	To undergo Life Imprisonment	Rs.5,000/- i/d to under go six months simple imprisonment
341 I.P.C	One month Simple imprisonment	Rs.500/0 i/d to undergo one week simple imprisonment
324 I.P.C	Two years rigorous imprisonment	Rs.1,000/- i/d to undergo three months simple imprisonment



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3.The case of the prosecution is that, due to previous enmity, on 19.04.2019, while the deceased was proceeding along with his son, P.W.7, aged about four years, on a two-wheeler, the accused waylaid the vehicle and indiscriminately assaulted the deceased. As a result of which, the deceased sustained injuries and succumbed to the same on the spot. Based on the complaint given by the father of the deceased/P.W.1, a case in Crime No.148 of 2019 was registered against the unknown accused for offence under Sections 341, 324 and 302 IPC. The respondent police after completion of investigation filed a final report before the District Munsif-cum-Judicial Magistrate, Thiruppuvanam in PRC No.74 of 2019 and the case was committed to the court of Sessions and was taken up for a trial in SC No.152 of 2019.

4.On the side of the prosecution, PW.1 to PW.20 were examined and Ex.P1 to Ex.P.21 were marked and M.O.1 to M.O.10 were marked.

5.When the accused were questioned under Section 313 of Cr.P.C., they denied the charges and after hearing the counsel, the trial court convicted the accused for offence under Sections 341, 324 and 302 IPC.



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6.The learned counsel for the petitioners submitted that the complainant is none other than the father of the deceased, who was examined as P.W.1. According to the complaint lodged by P.W.1, his grandson, P.W.7, was travelling along with the deceased at the time of the occurrence. However, P.W.7 had not disclosed the names of identity of the assailants to P.W.1. Consequently, the complaint came to be lodged against unknown assailants. The learned counsel for the petitioners would further submit that the respondent police did not cite P.W.7 son of the deceased as a witness in the final report, stating that he was aged about four years at the time of the occurrence and was not competent to depose before the Court. However, strangely PW.7, the son of the deceased was examined in the court and he is said to have identified the accused. He would further submit that, if the son of the deceased had disclosed the names of the assailants to P.W.1, the same would have necessarily been mentioned by P.W.1 in the complaint itself. However, the complaint was lodged only against unknown assailants, thereby creating a doubt regarding the identity of the assailants. Further, it is also the admitted case that the deceased had several criminal cases pending against him and had several enemies. He would further submit that, in the absence of proper and reliable evidence connecting the accused with the



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occurrence, the trial Court has erred in finding the accused guilty. He would further submit that there are several other arguable points in the case and there is every possibility of the petitioners being acquitted in the appeal. Hence, he prays to grant the suspension of sentence.

7.The learned counsel for the State of T.N(Crl.side) filed a detailed counter and submitted that the accused, on account of previous enmity, brutally assaulted the deceased in the presence of his minor son, resulting in his death. He therefore strongly opposed the grant of bail.

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

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



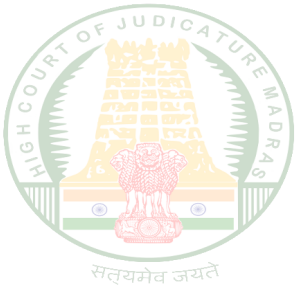
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the deposition, more particularly, the deposition of P.W.19 & 20/Investigating Officers, we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioners.

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 Principal Sessions Judge, Sivagangai.
- 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 stay at Vilupuram and report before the Vilupuram Town Police Station daily at 10.30 am, until further orders.



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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

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To

- 1.The Principal Sessions Judge,
Sivagangai.
- 2.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
- 3.The Inspector of Police,
Vilupuram Town Police Station,
Vilupuram.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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