



CrI.M.P(MD)No.6425 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.6425 of 2026

in

CrI.A(MD)No.365 of 2026

Jeyaprakash

... Petitioner(s)

- Vs. -

1.State of Tamilnadu,
Rep by Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli District.
Crime No. 87 of 2016.

... Respondent(s)

Prayer: C-60.To suspend the sentence passed against the petitioners by the learned 3rd Additional District Sessions Judge, Tirunelveli District in SC.No.193 of 2017 dated 05.03.2025 pending disposal of the above criminal appeal and thus render justice.



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For Petitioner : Mr.M.Raja Ravivarma
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 petitioner by the III Additional District Sessions Court, Tirunelveli, *vide* Judgment dated 05.03.2025 in S.C.No.193 of 2017, 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 I.P.C.	To undergo Life Imprisonment	Rs.1000/- i/d to under go one month simple imprisonment

3.The case of the prosecution is that, on 12.02.2016, at about 8.00 p.m., the appellant, along with the other accused, namely A2 and A3, consumed liquor. Thereafter, all the accused proceeded on the two-wheeler belonging to A2 to visit the mother of A3, who was undergoing treatment at Bell Hospital. After visiting her, they again purchased liquor bottle and proceeded to a secluded place



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near Vazhukkodai Bridge, where they continued consuming liquor. At that juncture, P.W.3, namely Sheik Mohammed @ Babuki, who was returning to Vazhukkodai after visiting his relatives, came to the spot and woke up the deceased. Thereafter, all the accused and the deceased consumed liquor together. At about 1.00 a.m. on 13.02.2016, an altercation ensued between them, during which, the deceased allegedly attempted to attack A1 with an *aruval*. A1 is stated to have snatched the *aruval* from the deceased and handed it over to A2. Thereafter, A1 allegedly attempted to assault the deceased with a wooden log. On witnessing the altercation, P.W.3 fled from the scene of occurrence. While P.W.3 was fleeing from the scene, he allegedly witnessed A3 instigating A1 and A2 to kill the deceased. Immediately thereafter, all the accused chased the deceased and A2 with an common intention to kill the deceased attacked the deceased on his back with *aruval*. As a result of the attack, the deceased fell to the ground. It is the further case of the prosecution that A3 caught hold of the deceased and restrained him from escaping, while A1 allegedly inflicted cut injuries on the neck and stab injuries on the left and right shoulders with a knife, resulting in the death of the deceased at the spot. On the basis of the said occurrence, a case was registered in Crime No. 87 of 2016.



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4.The learned counsel for the petitioner/appellant would submit that the petitioner is arrayed as A1. Even according to the prosecution, the deceased was a self-styled don. It is the specific case of the petitioner that, on the date of the occurrence, the deceased abused him and attempted to attack him with an *aruval* and only as a self defence, the petitioner had reacted. He would further submit that A2 who is similarly placed as that of the petitioner had already been granted suspension of sentence in CrI.M.P(MD)No.9014 of 2025 dated 12.12.2025. Therefore, on the ground of parity, the petitioner is also entitled to the relief of suspension of sentence. He would further submit that there are several other arguable points in the case and the petitioner was on bail during trial and he has not misused the liberty.

5.The respondent has filed a detailed counter placing reliance on the same Mr.C.Christopher, learned Counsel for the State would submit that PW.3 and P.W.4 are the witnesses to the occurrence and their evidence are cogent. He further contended that the trial Court, upon proper appreciation of the oral and documentary evidence, has rightly found the accused guilty. Therefore, the learned counsel for the respondent opposed the grant of suspension of sentence.



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

7. 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 2026 and the petitioner is 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.14/Investigating Officer, 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



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sureties, each for a like sum to the satisfaction of the learned

III Additional District Sessions Judge, Tirunelveli District.

- 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 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.
- iv. It is made clear that the petitioner 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 III Additional District and Sessions Judge,
Tirunelveli.

2.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli District.

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



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AND
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