



Crl.M.P.(MD) No.8786 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty Eighth day of June Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
and
The Hon`ble Mr.Justice K. RAJASEKAR

Crl.M.P.(MD) No.8786 of 2023
in
Crl.A.(MD) No.461 of 2023

ESWARAN

... PETITIONER/ APPELLANT/
ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
USILAMPATTI TOWN POLICE STATION,
MADURAI DISTRICT.
CRIME NO. 439/2014

... RESPONDENT/RESPONDENT/
COMPLAINANT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed against the petitioner / appellant / accused no.1 in S.C No. 100/2015 dated 08.06.2022 on the file of the learned Sessions Judge, Mahalir Neethimandram, Madurai and enlarge him on bail till the disposal of the appeal.

Prayer in Crl.A.(MD) No.461 of 2023:

To call for the records relating to the judgment passed in S.C.No.100/2015 dated 08.06.2022 on the file of the Sessions Judge, Mahalir Neethimandram, Madurai and set aside the same and acquit the appellant/accused No.1 from all the charges leveled against him.



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Order : This Criminal Miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.VENKATESWARAN.R, Advocate for the petitioner and of MR.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

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

Seeking to suspend the sentence imposed on the petitioner by the learned Sessions Judge, Mahila Court, Madurai, vide Judgment dated 08.06.2022 in S.C.No.100 of 2015, 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.1,000/-, in default to undergo one year simple imprisonment.
449 I.P.C.	To undergo five years rigorous imprisonment	Rs.1,000/-, in default to undergo one year simple imprisonment.
506 (ii) I.P.C.	To undergo five years rigorous imprisonment	Rs.1,000/-, in default to undergo one year simple imprisonment.
The sentences were ordered to run concurrently		

3. The case of the prosecution is that A1 (petitioner herein) and A2 are brother and sister. The deceased is a daughter of the de facto complainant (P.W.1), who is a



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co-sister of A2. A2 is a widow and her female child was brought up the de facto complainant (P.W.1). Hence, A2 used to go to the house of P.W.1 at Usilampatti to see her daughter. At that time, the petitioner (A1) also used to accompany A2. During such times, the petitioner met the deceased (daughter of P.W.1), who was working as a Nurse in a Private Hospital at Madurai. Later, the petitioner fell in love with the deceased and he conveyed the same with his sister A2 also. When A2 informed the love affair of the petitioner on the deceased with P.W.1, she had not accepted the same as the petitioner is not educated, rather her daughter was working as a Nurse. In such circumstances, on the fateful day i.e., on 12.12.2024, A2 went to the house of P.W.1 as usual to see her daughter and at 04.30 p.m., she went to School to bring her daughter and at that time, P.W.1 was also not available in her house. A2 asked the petitioner to come to the house of P.W.1, where the deceased alone was available. Accordingly, the petitioner came to the house of P.W.1 and met the deceased. At that time, due to motive, the petitioner had attacked the deceased with knife several times on her neck, right shoulder and hands, resultantly, the deceased died on the spot.

4. Learned counsel for the petitioner would submit that the prosecution has projected a case as if it is an one-sided love, whereas, it is not so. He would further



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submit that there are several infirmities in the prosecution case. The petitioner is in custody from the date of conviction i.e. 08.06.2022. Therefore, he prays for suspension of sentence imposed on the petitioner.

5. The respondent – Police has filed a detailed counter affidavit.

6. Learned Additional Public Prosecutor appearing for the respondent – Police, on instructions, would submit that the petitioner was in one-sided love with the deceased and the deceased had refused to marry the petitioner. Therefore, on the abetment of A2, the petitioner entered into the house of the deceased and in the presence of her relatives, he had assaulted the deceased indiscriminately and caused multiple injuries, resulting in her death.

7. Heard the learned counsel on either side.

8. Having gone through the accompanying affidavit and the records, we find that there are eyewitnesses to the occurrence and this is not a fit case for grant of suspension of sentence to the petitioner at this stage.



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9. Hence, this criminal miscellaneous petition is dismissed.

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10. Post the criminal appeal in the usual course for final hearing.

sd/-
28/06/2024

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/07/2024

Sub-Assistant Registrar (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

KRK

TO

1.THE SESSIONS JUDGE, MAHALIR NEETHIMANDRAM, MADURAI

2.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3.THE INSPECTOR OF POLICE
USILAMPATTI TOWN POLICE STATION, MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

Crl.M.P.(MD) No.8786 of 2023

in

Crl.A.(MD) No.461 of 2023

Date :28/06/2024

RK/VR (05/07/2024) 5P / 5C

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