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CRL.M.P.No.3475 of 2024
in CRL.A.No.240 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

CRL.M.P.No.3475 of 2024
in CRL.A.No.240 of 2024

S.Murugan

... Petitioner

Vs.

The State of Tamil Nadu
Rep. by Inspector of Police,
South Police Station,
Tiruppur.
(Crime No.2002 of 2021)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389 of Cr.P.C., seeking to suspend the sentence imposed in S.C.No.140/2022 dated 04.09.2023, on the file of the learned Principal Sessions Judge, Tiruppur and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.P.Pugalenth

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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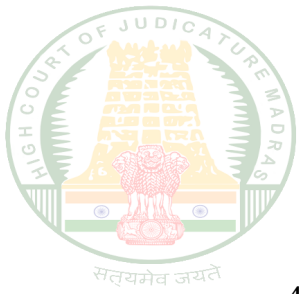
ORDER

(Order of the Court was made by *M.S.RAMESH, J.*)

The judgment of the Trial Court passed in S.C.No.140 of 2022 dated 04.09.2023, convicting the petitioner herein, who is the first accused (A1), for the offences under Sections 302 r/w. 34 & 302 r/w. 114 of IPC and sentencing him to undergo life imprisonment along with a fine of Rs.2,000/- , in default to undergo 3 months rigorous imprisonment, is under challenge in the main appeal. In the present petition, the petitioner seeks for suspension of sentence.

2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondent.

3. The prosecution has projected P.W.2 and P.W.8 as the eye witnesses to the occurrence. Both P.W.2 and P.W.8, though speaks about the presence of A1/petitioner herein in the scene of occurrence, it is their specific testimony that it was A2 alone, who has stabbed the deceased.



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4. The learned counsel for the petitioner/A1 submitted that the petitioner has a good case and fair chance of succeeding in the appeal and therefore, prays for suspension of sentence.

5. Per contra, the learned Additional Public Prosecutor appearing for the respondent/Police submitted that the prosecution has established the case beyond reasonable doubts and the petitioner has not made out any case for suspension of sentence.

6. We have perused the records and given our careful consideration to the submissions of the respective counsel.

7. The prosecution has examined P.W.1 and P.W.3 to establish motive in this case. However, both these witnesses do not speak about the common intention of all the accused to commit the murder. As such, the finding of the Trial Court that A1/petitioner herein is guilty of offence under Section 302 r/w. 34 of IPC, may require interference. However, this is only a *prima facie* view.



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8. By taking into consideration that the petitioner/A1 is under incarceration for almost 2 years and being conscious of the fact that the appeal may not be taken up in the near future, we are inclined to suspend the sentence.

9. Accordingly, this Criminal Miscellaneous Petition stands **allowed** and the sentence imposed on the petitioner/A1, is suspended on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties each, for a like sum to the satisfaction of the learned Judicial Magistrate - II, Tiruppur;

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

(iii) The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 A.M.,



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until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day, in lieu of the date of his absence, as directed by the Trial Court.

[M.S.R, J.]

[V.L.N, J.]

09.07.2025

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Note: Issue Order Copy on 11.07.2025.



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M.S.RAMESH, J.
and
V. LAKSHMINARAYANAN, J.

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To

- 1.The Principal Sessions Judge,
Tiruppur.
- 2.The Judicial Magistrate – II,
Tiruppur.
- 3.The Superintendent of Prison,
Central Prison, Coimbatore.
- 4.The Inspector of Police,
South Police Station,
Tiruppur.
- 5.The Public Prosecutor,
High Court, Madras.

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