



Crl.M.P.No.10708 of 2025 in
Crl.A.No.595 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

Crl.M.P.No.10708 of 2025 in
Crl.A.No.595 of 2025

Immanuvel

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Vaitheeswaran Kovil Police Station,
Mayiladuthurai District.
(Crime No.562/2020)

... Respondent

Prayer: This Criminal Miscellaneous Petition has been filed seeking suspension of sentence imposed by the learned District and Sessions Judge at Mayiladuthurai in S.C.No.67 of 2020 dated 18.10.2023 and enlarge the petitioner on bail, pending disposal of the above criminal appeal.

For Petitioner : Mr.A.Arasu Ganeshan

For Respondent : Mr.S.Sugendran, Additional Public Prosecutor



Crl.M.P.No.10708 of 2025 in
Crl.A.No.595 of 2025

ORDER

(Order of the Court was made by P.VELMURUGAN, J.)

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence imposed on the petitioner by the learned District and Sessions Judge, Mailaduthurai, in S.C.No.67 of 2020, dated 18.10.2023.

2 According to learned counsel for the petitioner there is no eye witness supporting the case of the prosecution. The trial Court convicted the petitioner only based on the circumstantial evidence. Prosecution has failed to prove the doctrine of last seen theory, the circumstantial evidence and the motive as projected by the prosecution. Further there are arguable grounds in the appeal and hence the sentence imposed on the petitioner may be suspended till the disposal of the appeal.

3 Learned Additional Public Prosecutor for the respondent would



Crl.M.P.No.10708 of 2025 III
Crl.A.No.595 of 2025

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submit that there were two eye witnesses in this case and even though P.W.2 one of the eye witnesses has not supported the case of the prosecution, P.W.3 the other ocular witness has clearly stated about the overt act against the petitioner. The trial Court after considering the oral and documentary evidence convicted the petitioner. Therefore the learned Additional Public Prosecution objected to grant the relief of suspension of sentence.

4 We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police.

5 It is seen that in this case there were two eye witnesses and even though P.W.2 one of the eye witnesses turned hostile, P.W.3 the other eye witness has clearly deposed about the overt act attributed against the petitioner. Furthermore, the evidence of P.W.3 has not been challenged by the defence through cross examination.



Crl.M.P.No.10708 of 2025 in
Crl.A.No.595 of 2025

6 Considering the above facts, the serious nature of offence and the

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weapon used by petitioner, this Court is not inclined to grant the relief of suspension of sentence to the petitioner.

7 Accordingly the miscellaneous petition seeking suspension of sentence stands dismissed.

[PVJ]

[MJRJ]

02.12.2025

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To

1. The District and Sessions Judge, Mayiladuthurai.
2. The Inspector of Police, Vaitheeswaran Kovil Police Station, Mayiladuthurai District.
3. The Public Prosecutor, Madras High Court.

P.VELMURUGAN. J.



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Crl.M.P.No.10708 of 2025 in
Crl.A.No.595 of 2025

and
M.JOTHIRAMAN, J.

cgi

Crl.M.P.No.10708 of 2025 in
Crl.A.No.595 of 2025



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Crl.M.P.No.10708 of 2025 in
Crl.A.No.595 of 2025

02.12.2025