



Crl.M.P.No.12661 of 2025 in
Crl.A.No.753 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.12661 of 2025 in

Crl.A.No.753 of 2025

Sakrakanth@ Sakrathvajparuva

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Panamarathupatti Police Station,
Salem District.
(Crime No.25/2019)

... Respondent

Prayer: This Criminal Miscellaneous Petition has been filed seeking suspension of sentence imposed by the learned II Additional District and Sessions Judge, Salem, in S.C.No.37 of 2020 dated 02.12.2023 and enlarge the petitioner on bail, pending disposal of the above criminal appeal.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER



Crl.M.P.No.12661 of 2025 in
Crl.A.No.753 of 2025

(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 II Additional District and Sessions Judge, Salem, in S.C.No.37 of 2020 dated 02.12.2023

2 According to learned counsel for the petitioner there is no eye witness supporting the case of the prosecution and the witnesses produced by the prosecution are only hearsay witnesses. The trial Court convicted the petitioner only based on the circumstantial evidence. Prosecution has failed to prove the doctrine of last seen theory without break of chain. The motive as projected by the prosecution has not been proved. Further recovery has not been effected in the manner known to law. There are arguable grounds raised 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.12661 of 2025 in
Crl.A.No.753 of 2025

submit that the petitioner suspected the deceased that he had an illicit relationship with the petitioner's wife and developed enmity and finally committed the offence of murder.

Therefore prosecution has proved the motive, last seen theory and recovery also effected in the manner known to law. The trial Court finds that the prosecution proved its case beyond all reasonable doubts and accordingly convicted the petitioner. Therefore the petitioner is not entitled to 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 Admittedly there is no eye witness in this case. The accused and the deceased are friends and were working in the same Company. It is case of the prosecution that the deceased developed illicit relationship with the petitioner's wife and hence the petitioner, who is A1 along with A2 murdered the deceased.

6 A reading of the entire materials and also the judgment of the trial



Crl.M.P.No.12661 of 2025 in
Crl.A.No.753 of 2025

Court, reveal that *prima facie* case has been made out against the petitioner that he has committed the offence. Even though there are arguable grounds raised by the petitioner, the same can be decided after hearing the appeal on merits.

7 Considering the above facts and the serious nature of offence, this Court is not inclined to grant the relief of suspension of sentence to the petitioner.

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

[PVJ] [MJRJ]

02.12.2025

(2/2)

cgi

To

1. The II Additional District and Sessions Judge, Salem.
2. The Inspector of Police, Panamarathupatti Police Station, Salem District.
3. The Public Prosecutor, Madras High Court.



WEB COPY



Crl.M.P.No.12661 of 2025 in
Crl.A.No.753 of 2025

P.VELMURUGAN, J.
and
M.JOTHIRAMAN, J.

cgi

Crl.M.P.No.12661 of 2025 in
Crl.A.No.753 of 2025



WEB COPY



Crl.M.P.No.12661 of 2025 in
Crl.A.No.753 of 2025

02.12.2025