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CRL MP No. 2314 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-09-2025

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE S. SOUNTHAR**

**Crl.M.P. No. 2314 of 2025
in Crl.A.No.171 of 2025**

D.Mathiazhagan
S/o. Dharuman, Mettu Street, Marusoor
Village, Arani Taluk,
Thiruvannamalai District.

Petitioner

Vs

State Rep. by, the Inspector of Police,
Arni Taluk Police Station,
Thiruvannamalai District.
Cr.No.444 of 2009.

Respondent

PRAYER:- The Criminal Miscellaneous Petition is filed under Section 430 (1) of B.N.S.S. to suspend the sentence of the petitioner to undergo life imprisonment each for offence u/s.302 of IPC in respect o the petitioner imposed by the learned Additional Sessions Judge, Arni, by judgment dated 30.11.2023 in SC.No.31 of 2010.



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For Petitioner(s): Mr. T.Vijayan

For Respondent(s): Mr.A.Damodaran
Additional Public Prosecutor

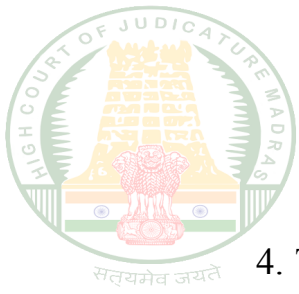
ORDER

(Order of the Court was made by J.NISHA BANU, J.)

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence of imprisonment imposed by the learned Additional Sessions Judge, Arni, in S.C.No.31 of 2010 dated 30.11.2023 pending disposal of the Criminal Appeal before this Court and enlarge the petitioner on bail.

2. The learned Additional Sessions Judge, Arni, in S.C.No.31 of 2010, had convicted the petitioner for the offence under Section 302 of I.P.C. and sentenced him to undergo Life Imprisonment.

3. Challenging the above conviction and sentence, the petitioner has filed the above Criminal Appeal and he seeks suspension of sentence and bail in the present Miscellaneous Petition.



4. The learned counsel for the appellant / petitioner submitted that it is a case based on circumstantial evidence and there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. He further submitted that there are arguable points available in the Criminal Appeal and that the petitioner has a fair chance of succeeding in the same. Therefore, the substantive sentence imposed against the appellant / petitioner may be suspended. He further submitted that the appellant/ petitioner is ready to abide by any condition imposed by this Court.

5. Heard the learned counsel appearing for the appellant / petitioner, the learned Additional Public Prosecutor appearing for the respondents and also perused the materials placed on record.

6. This is a case based on circumstantial evidence. It is a settled principle of law that in a case based on circumstantial evidence, the circumstances projected by the prosecution are to be proved beyond reasonable doubts and such proved circumstances should form a complete chain without any break, pointing unerringly to the guilt of the accused and there should not be any other hypothesis, which is inconsistent with the guilt of the accused.



7. Considering the submissions made by both counsels, coupled with the quantum of punishment imposed upon the petitioner / appellant, and taking into account the fact that this Criminal Appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions.

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

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Arni.

(ii) The petitioner and 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 pass Book and mobile numbers to ensure their identity;

(iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m., until the disposal of the Criminal 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 of 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.



WEB COPY

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(iv) On the failure of any of the above conditions by the petitioner / accused, it is open to the trial Court to commit the petitioner / accused into custody for undergoing the sentence.

(J.NISHA BANU J.) (S.SOUNTHAR J.)

11-09-2025

ASI

To

1. The Additional Sessions Judge, Arni.
2. The Judicial Magistrate, Arni.
3. The Superintendent of Prison, Vellore.
4. The Inspector of Police,
Arni Taluk Police Station,
Thiruvannamalai District.
5. The Public Prosecutor,
High Court of Madras, Chennai.



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