



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.10.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

**Crl.M.P.Nos.19257 & 19258 of 2025
in Crl.R.C.No.2043 of 2025**

Manogaran

...Petitioner in both Crl.M.Ps

Versus

State Rep. by
Station House Officer,
Nettupakkam Police Station,
Puducherry.

...Respondent in both Crl.M.Ps

Prayer in Crl.M.P.No.19257 of 2025 in Crl.R.C.No.2043 of 2025:

This Criminal Miscellaneous Petition is filed under Section 438(1) & 439 of BNSS, 2023 praying to suspend the sentence imposed on the petitioner by the learned Additional Assistant Sessions Judge, Puducherry in S.C.No.37 of 2016 upon its Judgment dated 15.09.2022, which was confirmed by the Judgment dated 15.09.2025 rendered by the learned III Additional Sessions Judge at Puducherry in Crl.A.No.45 of 2022 and enlarge the petitioner on bail pending disposal of the above revision on the file of this Court.



Prayer in Crl.M.P.No.19258 of 2025 in Crl.R.C.No.2043 of 2025:

This Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023 praying to exempt the petitioner from surrendering before the learned Additional Assistant Sessions Judge, Puducherry in S.C.No.37 of 2016 upon its Judgment dated 15.09.2022 which was confirmed by the Judgment dated 15.09.2025 rendered by the Court of learned III Additional Sessions Judge at Puducherry in Crl.A.No.45 of 2022.

For Petitioner

in both Crl.M.Ps : Mr.P.S.Ganesh

For Respondent

in both Crl.M.Ps : Mr.M.V.Ramachandramurthy,
Addl. Public Prosecutor (Puducherry)

COMMON ORDER

The Criminal Miscellaneous Petition No.19257 of 2025 has been filed by the Petitioner seeking to suspend the sentence imposed on him by the learned Additional Assistant Sessions Judge, Puducherry vide Judgment dated 15.09.2022 in S.C.No.37 of 2016 which was confirmed by the learned III Additional Sessions Judge, Puducherry vide Order dated 15.09.2025 in Crl.A.No.45 of 2022 and enlarge him on bail pending disposal of the above Criminal Revision Petition.



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2. The Criminal Miscellaneous Petition No.19258 of 2025 has been filed by the Petitioner seeking to exempt him from surrendering before the learned Additional Assistant Sessions Judge, Puducherry upon its Judgment dated 15.09.2022 in S.C.No.37 of 2016 which was confirmed by the learned III Additional Sessions Judge, Puducherry vide Order dated 15.09.2025 in CrI.A.No.45 of 2022.

3. The Petitioner is Accused No.1 in S.C.No.37 of 2016 on the file of Additional Assistant Sessions Court, Puducherry. The Petitioner/Accused No.1 was found guilty of the offence under Section 306 of IPC. Therefore, the trial Court vide Judgment dated 15.09.2022 in S.C.No.37 of 2016, convicted the Petitioner/Accused No.1 and sentenced him to undergo rigorous imprisonment for 3 years and to pay a fine of Rs.2,000/-, in default, to undergo 6 months rigorous imprisonment. Challenging the said judgment of the trial Court, Petitioner/Accused No.1 had preferred a Criminal Appeal in C.A.No.45 of 2022 before III Additional Sessions Court, Puducherry.



However, the Appellate Court vide Order dated 15.09.2025, dismissed the said Appeal and confirmed the Judgment of the trial Court. Hence, Petitioner/Accused No.1 has filed the present Criminal Revision Case before this Court.

4. The learned counsel for the Petitioner/Accused No.1 submitted that Petitioner/Accused No.1 does not even know the deceased victim Madasamy and the Petitioner/Accused No.1 has been falsely implicated in this case.

4.1. It is further submitted by the learned counsel for the Petitioner/Accused No.1 that though the prosecution had marked the Suicide Note written by the deceased victim Madasamy was marked as Ex.P5 before the trial Court, the prosecution failed to prove the abetment caused on the side of Petitioner/Accused No.1. It is also submitted by the learned counsel that both the Courts below failed to appreciate the dictum laid down by this Court in the case of *Manikandan Vs. State Rep. by Inspector of Police* reported in *(2016) 4 MLJ (CrI) 240*, wherein, it was held as follows:



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“34. The contents of the suicide note and other attending circumstances have to be examined to find out whether it is abetment within the meaning of Section 306 I.P.C read with Section 107 I.P.C. There may be a case where in the suicide note victim had named a person, who is responsible for his committing suicide, but, on proper analysis, section 306 I.P.C may not be attracted to him.”

4.2. It is submitted by the learned counsel for the Petitioner/Accused No.1 that Petitioner/Accused No.1 lost his hearing ability in the right ear and he has only 30% of hearing capability in the left ear even with aiding instruments.

4.3. The learned counsel for the petitioner also submitted that the Petitioner/Accused No.1 has a fair chance of succeeding in the Criminal Revision Case and and he is ready to abide any condition to be imposed by this Court. Therefore, the learned counsel for the Petitioner/Accused No.1 prayed that the substantive sentence imposed on the Petitioner/Accused No.1 may be suspended.



5. The learned Additional Public Prosecutor (Puducherry) appearing on behalf of the respondent Police submitted that he has serious objection for suspending the sentence imposed on Petitioner/Accused No.1.

6. Heard the learned counsel for the Petitioner/Accused No.1 and the learned Additional Public Prosecutor (Puducherry) appeared on behalf of respondent Police.

7. Considering the submissions made by the learned counsel for the Petitioner/Accused No.1 coupled with the quantum of punishment imposed on the Petitioner/Accused No.1 and taking into consideration of the fact that the Criminal Revision is likely to be taken up for final hearing in the near future, this Court is inclined to suspend the substantive sentence of imprisonment alone.

8. Accordingly, till the disposal of the Criminal Revision Case, the reliefs of suspension of sentence and bail are granted on the following conditions:



(i) The Petitioner/Accused No.1 shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only), after deducting the amount which was already deposited by the Petitioner/Accused No.1, if any, to the credit of S.C.No.37 of 2016 on the file of Additional Assistant Sessions Court, Puducherry, within a period of four weeks from the date of receipt of a copy of this order, failing which, this order shall stand automatically cancelled.

(ii) On such deposit being made, P.W.1 (wife of deceased victim Madasamy) is permitted to withdraw the amount deposited by the Petitioner/Accused No.1 in S.C.No.37 of 2016 on the file of Additional Assistant Sessions Court, Puducherry, on proper identification, in the manner known to law.

(iii) If the Petitioner/Accused No.1 fails to deposit the aforesaid amount, it is open to the trial Court to commit the Petitioner/Accused No.1 into custody for undergoing the sentence.

(iv) The sentence of imprisonment imposed on the Petitioner/Accused No.1 shall be suspended on condition that he shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a likesum to the satisfaction of the trial Court;

(v) The Petitioner/Accused No.1 and the sureties shall affix their photographs and Left Thumb Impressions in the surety



bonds and the trial Court may obtain a copy of their Aadhaar Card or Bank Pass Book and their mobile numbers to ensure their identity;

(vi) The Petitioner/Accused No.1 shall appear before the respondent Police on every Saturday at 10.30 a.m. for a period of six months and he shall also appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Revision Case 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 355 of BNSS, 2023 and shall appear before the trial Court on any other day in lieu of his absence, as directed by the trial Court.

9. With the above directions, Criminal Miscellaneous Petition No.19257 of 2025 is allowed. Consequently, Criminal Miscellaneous Petition No.19258 of 2025 is closed.

25.10.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order



To
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1. The Additional Assistant Sessions Judge,
Puducherry.
2. The III Additional Sessions Judge,
Puducherry.
3. The Station House Officer,
Nettupakkam Police Station,
Puducherry.
4. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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