



Crl.M.P(MD).No.736 of 2025 in

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MRS.JUSTICE L. VICTORIA GOWRI

Crl.M.P(MD).No.736 of 2025 in
Crl.A.(MD).No.58 of 2025

1.K.Selvakumar
2.Pommaiyasami @ Pommaiyan

... Petitioners

vs.

State of Tamil Nadu
rep. by the Inspector of Police,
Uthamapalayam Police Station,
Theni District.
(Crime No.608 of 2019)

... Respondents

PRAYER: Petition filed under Section 389(1) Cr.P.C., to suspend the sentence passed by the learned Additional District Court (Fast Track Court), Theni in S.C.No.52 of 2020, dated 03.12.2024 and enlarge the petitioners on bail during pending disposal of the above Criminal Appeal.

For Petitioner : Mr.C. Vakkeswaran

For Respondents: Mr.A.Thiruvadikumar
Additional Public Prosecutor



Crl.M.P(MD).No.736 of 2025 in

WEB COPY

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

Seeking to suspend the sentence imposed on the petitioners by the learned Additional District Judge (Fast Track Court), Theni vide Judgment dated 03.12.2024, in S.C.No.52 of 2020, they have filed this criminal miscellaneous petition.

2.The petitioners stand convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
Section 342 of I.P.C. (as against A2)	To undergo one month Simple Imprisonment	-
Section 302 r/w. 34 IPC	To undergo life imprisonment (each)	Rs.5,000/- each i/d to under go two months simple imprisonment

3. The case of the prosecution is that on 18.11.2019, at about 8:45 PM, the deceased was forcibly restrained and brutally assaulted by the petitioners near Uthamapalaym By pass road, due to which he sustained injury and died. Hence, the complaint was lodged.



Crl.M.P(MD).No.736 of 2025 in

WEB COPY

4. Learned counsel for the petitioner would submit that, as per the prosecution case, PW1 is said to have witnessed the occurrence. It is stated that the wife of the deceased informed PW1 that her husband had not returned home after work, and that PW.1 had taken a torchlight and gone in search to the place of occurrence. Though the PW1 had mentioned about the presence of PW2 and PW3 as witnesses to the occurrence, PW2 and PW3 have not supported the prosecution case, stating that neither of them saw the accused. When the evidence of PW1 to PW3 is taken as a whole, it creates doubt regarding the presence of PW1 at the scene of the occurrence. According to the prosecution, the motive for the occurrence is that A2's sister was separated from her husband and living alone and the deceased is said to have troubled her. Learned counsel further submits that the occurrence took place in the year 2019, and the accused were on bail during the trial and have not misused the liberty granted to them. Moreover, there are several arguable points in the appeal, and the likelihood of the appeal being taken up for final hearing in the near future is not possible. Therefore, he prays for suspension of sentence.

5. Learned Additional Public Prosecutor appearing for the respondent police filed a counter and submitted that PW1 has clearly spoken about the occurrence.

The trial court, believing his evidence, convicted the accused, and therefore, he



objected to the grant of bail to the petitioners.

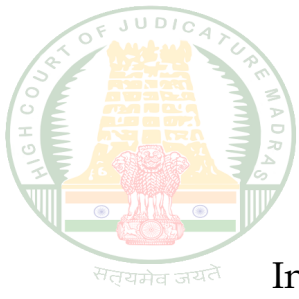
WEB COPY

6. Heard the learned counsel on either side and perused the materials available on record.

7. Having gone through the records and taking into consideration the facts and circumstances of the case, we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioners.

8. Accordingly, the criminal miscellaneous petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioners herein is suspended, subject to the following conditions:

- i. The petitioners are directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Additional District Judge (Fast Track Court), Theni.
- ii. 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 passbook to ensure their identity.
- iii. The petitioners shall stay at Nagapattinam and report before the



Crl.M.P(MD).No.736 of 2025 in

WEB COPY

Inspector of Police, Nagapattinam Town Police Station daily at 10.30 a.m., until further orders.

- iv. It is made clear that the petitioners shall not enter into the jurisdictional limits of the respondent Police Station until further orders.

sd/-
13/08/2025

/ TRUE COPY /

19/08/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

trp
To:

1. The Additional District Judge (Fast Track Court),
Theni.
2. The Superintendent, Central Prison,
Madurai.
3. The Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam.
4. The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
5. The Additional Public Prosecutor,
Madurai Bench of Madars High Court, Madurai.



Crl.M.P(MD).No.736 of 2025 in

+1 CC to M/s.C.VAKEESWARAN, Advocate (SR-8792[I] dated 13/08/2025)

WEB COPY

ORDER

IN

CRL MP(MD) No.736 of 2025

IN

CrI.A.(MD).No.58 of 2025

Date :13/08/2025

HPS/19.08.2025 6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023