



Crl.M.P(MD).No.1085 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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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.1085 of 2025 in
Crl.A.(MD).No.177 of 2024

Jegan

... Petitioner

vs.

State through the
Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
(Crime No.295 of 2018)

... Respondents

PRAYER: Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed on the petitioner / accused No.1 namely, Jegan by the learned Additional District and Sessions Judge (Fast Track), Kanyakumari vide S.C.No.164 of 2019, dated 22.02.2024 and enlarge the petitioner / accused No.1 on bail pending disposal of the Criminal Appeal.

For Petitioner : Mr.R. Anandharaj
for Mr. Chandrasekaran

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor



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ORDER

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

Seeking to suspend the sentence imposed on the petitioner by the Additional District and Sessions Judge (Fast Track), Kanyakumari, vide Judgment dated 22.02.2024 in S.C.No.164 of 2019, he has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
302 r/w. 34 IPC	To undergo life imprisonment	Rs.5,000/- i/d to under go one year rigorous imprisonment
294(b) IPC	To undergo one month rigorous imprisonment	Nil
449 IPC	To undergo seven years imprisonment	Rs.3,000/- i/d to undergo six months rigorous imprisonment

3. The case of the prosecution is that on 18.11.2018, at about 07.00 p.m., while the deceased Yesuvadian was talking near a Petty Shop at Lakshmipuram



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Junction, the accused came there and parked their vehicle in front of the vehicle of the deceased Yesuvadian. Since the deceased could not take his vehicle, when he questioned the accused, there was a quarrel between the accused and the deceased. Subsequently, while the deceased was watching TV in his house, the accused trespassed into the house of the deceased and brought him out of his house and A1 - petitioner herein hit on the backside head of the deceased with a stone and A2 hit the deceased on his face with a brick stone indiscriminately and thereby, caused his death.

4. Learned counsel for the petitioner would submit that even as per the prosecution case, the alleged incident is said to have taken place during a quarrel between the accused and the deceased. No weapon was used and the injuries are said to have been caused only by a brick, which was lying nearby. There was no intention on the part of the petitioner to commit the murder of the deceased, who was aged 72 years. Further, the presence of P.W.1 is also doubtful, as the medical evidence does not tally with the evidence of P.W.1. Further, there are several arguable points in favour of the petitioner and the likelihood of the appeal being taken up for final hearing in the near future is also not possible and therefore, he prayed for suspension of sentence.



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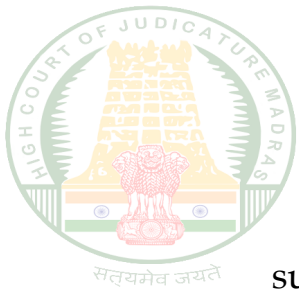
5. Learned Additional Public Prosecutor appearing for the respondent – Police, objected for grant of suspension of sentence as the petitioner along with another trespassed into the house of the deceased, brought him out of the house and murdered him.

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

7. It is an application of suspension of sentence. We would not propose to delve deep into the evidence at this stage. Having gone through the records, we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioner.

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

- i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten thousand only) with two



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- sureties, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge (Fast Track), Kanyakumari.
- 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 petitioner shall stay at Madurai and report before the Inspector of Police, Othakadai Police Station, Madurai daily at 10.30 a.m., until further orders.
 - iv. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent Police Station until further orders.

sd/-
13/08/2025

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18/08/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

trp

To:

1. The Additional District and Sessions Judge (Fast Track), Kanyakumari.



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2. The Inspector of Police, Kanyakumari Police Station,
Kanyakumari District.

3. The Superintendent, Central Prison,
Palayamkottai, Tirunelveli district.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to
The Inspector of Police,
Othakadai Police Station, Madurai

+1 CC to M/s.M.CHANDRA SEKARAN, Advocate (SR-8795[I] dated 13/08/2025)

ORDER
IN
CrI.M.P(MD).No.1085 of 2025 in
CrI.A.(MD).No.177 of 2024
Date :13/08/2025

PR/18.08.2025 6P/7C

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