



CRL.MP(MD) No. 1926 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MS.JUSTICE R. POORNIMA

CRL.MP(MD) No. 1926 of 2025
in
Crl.A(MD)No.862 of 2024

Nagoormeeran @ Karvali

...Petitioner / Appellant

Vs.

State rep. by
The Inspector of Police
Manur Police Station,
Tirunelveli District.
(Crime No.193 of 2010)

... Respondent/ Respondent

Prayer : Petition filed under Section 430 (1) of BNSS to suspend the execution of sentence by granting bail in S.C.No.310 of 2017 dated 04.09.2024 on the file of the learned I Additional District and Sessions Judge, Tirunelveli, Tirunelveli District till the disposal of the Criminal Appeal.

For Petitioner : Mr.K.Prabhu

For Respondent : Mr.B.Nambi Selvan,
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/A3 by the learned I Additional District and Sessions Judge, Tirunelveli, Tirunelveli District vide Judgment dated 04.09.2024 in S.C.No.310 of 2017 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 (2 counts)	To undergo life imprisonment (2 counts)	Rs.1,000/- (for each count) i/d to under go six months simple imprisonment

3. The case of the prosecution is that the accused persons and the deceased were residents of Kurichikulam village. The defacto complainant/P.W.1 is the deceased Subramani's wife. On 20.07.2010 at about 11.00 p.m., when the deceased namely, Subramani and his mother namely, Gomathiammal went to the backyard of



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the house to gather straw from the straw bales, where they saw both A1 (Siraj @ Sirajudheen) and A4 (Jeyapriya) in a compromising position. On seeing this, the deceased Subramani slapped A4 on her cheek and warned her if this act is known to her husband, he would kill her. Further, he reprimanded A1 by pulling his shirt. Thereafter, the deceased Subramani informed about this incident to some villagers. Having irritated over this, A1 conveyed it to his brother namely, A2 (Latheep) and all the accused persons conspired together. On 22.07.2010 at 5.45 p.m., the deceased Subramani and his mother went to the field to reap grass. At about 6.00 p.m., A1 to A3 were hidden under the palmarah tree near Sushumudiyar Sastha temple situated near Pallikottai canal. The defacto complainant at that time came there to receive the grass bundle which was carried by the deceased. Suddenly, A1 attacked the deceased Subramani on his neck with sickle. While so, A2 assaulted with stick on his head, face and neck. When the deceased Gomathiammal raised alarm and tried to save her son, at that time, A3 also assaulted with stick on her left cheek. As a result of which, the deceased Subramani died in the spot itself. Gomathiammal was taken to hospital and she died in the hospital on the next day. Based on the complaint given by P.W.1, who is the wife of the deceased Subramani, the respondent police has registered a case in Crime No.193 of 2010 for the offence under Sections 307 and 302 IPC.



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4. The learned counsel appearing for the petitioner would submit that the trial Court failed to take into consideration the exaggerations and embellishments in the evidence of P.W.1 to P.W.3. As per the prosecution, P.W.1 is the person who is said to have seen the occurrence and given the complaint. However, in the complaint she has not stated about the presence of the petitioner/A3, she has only stated that two persons were involved in the offence and further even in the inquest report nothing has been stated about the participation of the petitioner/A3 in the offence. Later, in the Court the witnesses have given exaggerated version as if the petitioner/A3 had assaulted the deceased Gomathiammal with the stick. He would further submit that A4 has been acquitted and A2 died during trial and there is no murmur about the petitioner/A3 in the FIR given by P.W.1. Hence, the presence of P.W.1 is highly doubtful. He would further submit that the occurrence had happened in the year 2010 and the petitioner was on bail during trial and he has not violated the liberty granted to him during his bail and after conviction only the petitioner is in prison. He would also submit that there are several other arguable points in this case and therefore, he prayed for suspension of sentence.

5. The respondent has filed a counter. The learned Additional Public Prosecutor would submit that A1 was found in a compromising position with A4 and on seeing this the deceased Subramani and the 2nd deceased Gomathiammal had



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reprimanded A4 and also slapped her and on account of the same, the accused persons have assaulted, they have entered into a conspiracy to do away with the deceased and thereby, while they were returning from the field after cutting the grass, they have assaulted them. He would further submit that the respondent police has proved the case beyond reasonable doubt and the trial Court has rightly take into consideration the evidence on record and found the accused persons guilty and convicted the accused and thereby he would vehemently opposed for grant of bail to the petitioner.

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, including the FIR and the inquest report, 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 sureties, each for a like sum to



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the satisfaction of the learned I Additional District and Sessions Judge, Tirunelveli.

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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 Chennai and report before the Inspector of Police, R4 Soundarapandiyanar Police Station, T Nagar, Chennai, daily at 7.30 p.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/-
18/08/2025

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/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 The I Additional District and Sessions Judge,
Tirunelveli, Tirunelveli District.

2 The Judicial Magistrate No.V, Tirunelveli.



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3 Do Through the Chief Judicial Magistrate,
Tirunelveli District.

4 The Superintendent,
Central Prison, Palayamkottai.

5 The Inspector of Police,
Manur Police Station,
Tirunelveli District.

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

Copy to:

The Inspector of Police,
R4 Soundarapandiyanar Police Station,
T Nagar, Chennai.

+1 CC to M/s.K.PRABHU, Advocate (SR-8905[I] dated 18/08/2025)

ORDER
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in
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AS/19.08.2025/7P/9C

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