



CRL.MP(MD) No.3206 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2025

CORAM

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

CRL.MP(MD) No.3206 of 2025

in

CrI.A(MD)No.307 of 2025

Pandiselvi

...Petitioner / Appellant

Vs.

**State of Tamil Nadu through
The Inspector of Police
Dhalavaipuram Police Station,
Virudhunagar District.
(Crime No.173 of 2022)**

... Respondent/ Respondent

Prayer : Petition filed under Section 430 (1) of BNSS to suspend the sentence imposed against the petitioner in S.C.No.135 of 2023 on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur dated 28.01.2025 and release the petitioner on bail till the disposal of the main Criminal Appeal.

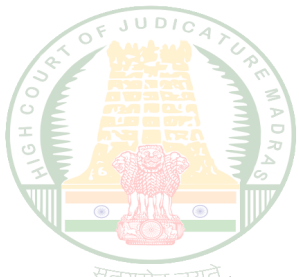
For Petitioner : Dr.R.Alagumani

**For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor**

ORDER

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

Seeking to suspend the sentence imposed on the petitioner by the



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Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, *vide*
Judgment in S.C.No.135 of 2023 dated 28.01.2025, 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 IPC	To undergo life imprisonment	Rs.2,000/- i/d to under go three months simple imprisonment

3. The case of the prosecution is that on 16.10.2022 at about 9.15 a.m., while the deceased came home with the influence of alcohol and abused the petitioner that she maintained affair with some other in the work place. The petitioner, who had been continuously subjected to harassment and torture due to her husband's habitual drinking, felt that she could no longer live peacefully if he continued to be alive. With the intention of murdering him, she took a wooden roll (uruttukattai) from the house and assaulted the deceased by repeatedly hitting him on the head and chest. Subsequently, she took a blade and inflicted a cut injury to the front portion of his neck. Due to the brutal assault, the deceased sustained multiple serious injuries, which ultimately resulted in his death. The petitioner given a complaint that the deceased was found dead while she came to the house on

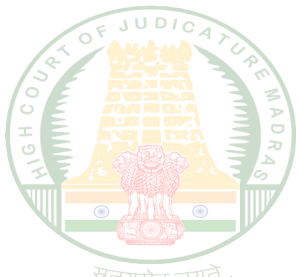


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16.10.2022 at about 5.30 p.m along with her daughter Bhuvaneshwari. Hence, the respondent police has registered a case in Crime No.173 of 2022 for the offence under Section 302 IPC.

4. The learned counsel appearing for the petitioner would submit that though there are several arguable points in this case, even admittedly as per prosecution, the alleged occurrence is said to have taken place out of frustration, sustained provocation and due to continuous harassment. The accused was married to the deceased and the deceased was a physically challenged person, who had lost his eye in an accident and was taken care by the petitioner whereas he was a drunkard and he had continuously harassed the accused, due to which she is said to have committed the murder. He would submit that though the occurrence is said to have taken place inside the house, daughter of the petitioner and the deceased who was examined as a defence witness D.W.1 has stated that at the time of occurrence her mother was not in the house. He would submit that the petitioner was on bail during trial and she has not violated the liberty granted to her during his bail and after conviction only the petitioner is in prison and therefore, he prayed for suspension of sentence.

5. The respondent has filed a counter. The learned Additional Public Prosecutor would submit that the petitioner/accused is the wife of the deceased. The



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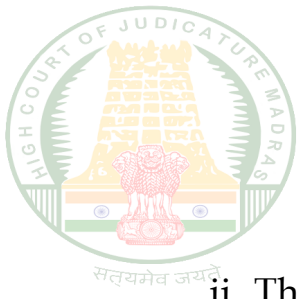
deceased is a physically challenged person and that he was a drunkard and he was in the habit of harassing the accused suspecting her fidelity and due to which, the accused had committed this murder by inflicting multiple injuries. He would further submit that the incident is happened inside the house and the accused had taken a false plea claiming to be a case of suicide whereas the postmortem report seen that it is a case of brutal murder 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, 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 the satisfaction of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur.



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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 appear and sign before the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur at 10.30 a.m., on the first working day of every English calender month, until further orders.

sd/-
12/08/2025

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13/08/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 2 THE OFFICER INCHARGE, SPECIAL PRISON FOR WOMEN, MADURAI.
- 3 THE INSPECTOR OF POLICE, DHALAVAIPURAM POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.DR.R.ALAGUMANI, Advocate (SR-8787[I] dated 13/08/2025)



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ORDER

IN

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Date :12/08/2025

NBF/SAR- /13/08/2025/ 6P/6C

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