

CRL.MP(MD)No.3541 of 2025

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.08.2025**

CORAM:

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

**CRL.MP(MD)No.3541 of 2025
in
CRL.A(MD)No.159 of 2025**

S.Vijay @ Malaiyappa

... Petitioner

vs.

The State of Tamil Nadu
Rep by Inspector of Police,
Veeravanallur Police Station,
Veeravanallur,
Tirunelveli District.
Crime No.246 of 2015

... Respondent

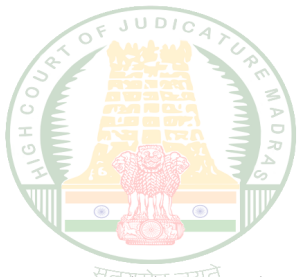
Petition filed under Section 430(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentences as imposed on the petitioner by the learned I Additional District and Sessions Judge at Tirunelveli as made in S.C.No.387 of 2018 dated 20.01.2025 pending disposal of the above appeal.

For Petitioner : Mr.S.Palanivelayutham
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 learned I



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Additional District and Sessions Judge, Tirunelveli, vide Judgment dated 20.01.2025
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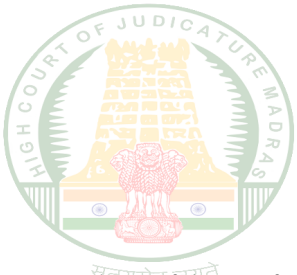
in S.C.No.387 of 2018, he has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
302 r/w.149 of IPC	Life Imprisonment	Rs.1000/- i/d to under go six month simple imprisonment

3. The case of the prosecution is that due to previous enmity regarding murder case incidents, there was an enmity between the accused persons and the deceased. On 29.10.2014 at about 8.00 a.m, when the defacto complainant namely, Selvaraj and the witnesses Abimannan, Kasidurai Prabhakaran were standing in front of Selvaraj's house and planning to attend agriculture work, A9 and A11 arrived there in a two wheeler bearing registration No. TN 72 AB 8255 while so, A10 and A14 came in another motorcycle bearing registration No. TN 76 T 2674 and all the accused joined together and criminally trespassed into the house of the deceased and attacked him with wooden log and sickle and caused his death. A1 threatened the defacto complainant with dire consequences. Hence the case.

4. The learned counsel appearing for the petitioner would submit that the presence of P.W.1 at the scene of occurrence is doubtful. The deceased is the son of P.W.1 and against whom several cases of attempt murder and murder are pending on

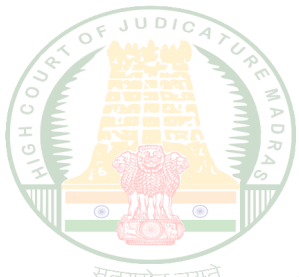


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the file of the Veeravanallur Police Station, Ambasamudram Police Station, Kallidaikurichi Police Station and Mukkudal Police Station and as such there was enmity in the locality. P.W.1 has stated that the accused had come there in an innova car, however it has been disproved during the cross examination of P.W.1 and P.W.26. Further the trial Court failed to take into consideration the discrepancies in the evidence of witnesses with regard to the number of assailants and the vehicle in which they are said to have come to the place occurrence. He further submitted that in this case, the incident had happened during the year 2014 and the petitioner was on bail during trial and he had not misused the liberty granted to him. Further, similarly placed accused have been granted suspension of sentence by this Court in CrI.M.P(MD)No.1513 of 2025, dated 11.08.2025 and therefore, he prayed for suspension of sentence.

5. The learned Additional Public Prosecutor appearing for the respondent - Police, would submit that due to previous enmity, all the accused assaulted the deceased with deadly weapons and caused his death. He would further submit that yet another case is Crime No.228 of 2023 on the file of the respondent police station is pending against the petitioner. Further, in respect of other accused also, cases are pending, however, when the petition seeking suspension of sentence by the other accused was heard in CrI.M.P(MD)No.1513 of 2025, on 11.08.2025, it was not brought



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to the knowledge of the learned Prosecutor by the respondent/Police and thereby, this Court had granted suspension of sentence to the other accused. Thus, he would oppose for suspension of sentence.

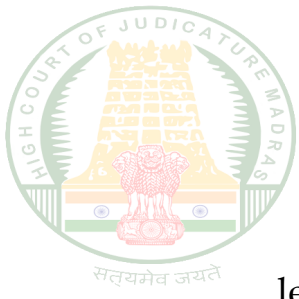
6. Heard the learned counsel on either side and perused the materials available on record.

7. We normally do not suspend the sentence in respect of the petitioners who have got pending cases. However, since the pending cases against the other accused were not brought to our notice by the respondent, we had suspended their sentences. It is also reported by the learned Additional Public Prosecutor that the matter has been brought to the notice of the Superintendent of Police and necessary departmental action has also been initiated against the erring police personnel. Since we have granted suspension of sentence to the other similarly placed accused in the same case, we are constrained to grant the same benefit to the present petitioner also.

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 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



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learned I Additional District and Sessions Judge, Tirunelveli.

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 Chengalpattu and report before the Inspector of Police, Chengalpattu Town Police Station, daily at 10.30 a.m., until further orders.

iv. The petitioner shall not enter into the jurisdictional limits of the respondent Police Station until further orders.

sd/-
28/08/2025

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01/09/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

1. The I Additional District and Sessions Judge, Tirunelveli.
2. The Inspector of Police, Veeravanallur Police Station, Veeravanallur, Tirunelveli District.
3. The Inspector of Police, Chengalpattu Town Police Station.



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4. The Superintendent, Central Prison, Palayamkottai.

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

+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate (SR-9363[I] dated 29/08/2025)

ORDER
IN
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in
CRL.A(MD)No.159 of 2025
Date :28/08/2025

NBF/SAR- /01/09/2025/ 6P/7C

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