



Crl.M.P.(MD).No.3901 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

and

THE HON'BLE MRS JUSTICE L.VICTORIA GOWRI

Crl.M.P.(MD).No.3901 of 2025

in

Crl.A.(MD).No.643 of 2023

Sundarapandi @ Prabhakaran

... Petitioner(s)

Vs

The State represented by,
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar.

(Crime No.343 of 2013)

... Respondent

For Petitioner : Mr.G.Karuppasamy Pandian
for Mr.A.Subramanian

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/A2 by the learned
Additional District and Sessions Judge, Srivilliputhur, vide order dated 24.03.2023 in

S.C.No.43 of 2014, he has filed this criminal miscellaneous petition.

<https://www.mhc.tn.gov.in/judis>



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2. The petitioner stands convicted and sentenced as under:-

Section of Law	Sentence of imprisonment	Fine amount
342 of IPC	Six months simple imprisonment	Rs.1000/- i/d to undergo one month simple imprisonment
302 of IPC	Life Imprisonment	Rs.1000/- i/d to undergo one year simple imprisonment

3. The case of the prosecution is that one Muthupandi, who is the younger brother of the 1st accused, the deceased Sudalaimani, and Maharaja executed a plan to rob the temple. During that time, the brother of the 1st accused namely Muthupandi fell down, got injured and later died. While so, the 1st accused thought the deceased Sudalaimani was responsible for his brother's death and to wreak vengeance for the death of his brother, on 11.07.2013, at about 06.30 pm, the 1st accused and the 2nd accused/petitioner herein intercepted the deceased Sudalaimani and attacked him with sickle and caused his death.

4. The learned counsel appearing for the petitioner would submit that the petitioner is A2 in this case. As per Ex.P7 viz., the accident register, the petitioner had

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sustained as many as five cut injuries in the same incident, however, PW1 and PW2 who are said to be the mother and sister of the deceased Sudalaimani have not spoken anything about the injuries sustained by the petitioner in the occurrence. Further, P.W.12/Investigating Officer has also not conducted any investigation with regard to the injuries sustained by the petitioner which are grievous in nature and thereby creating a doubt with regard to the genesis of the prosecution case.

5. He would further submit in this case the incident had happened during the year 2013 and the petitioner was on bail during trial and he has not misused the liberty granted to him and therefore, he prayed for suspension of sentence.

6. The learned Additional Government Pleader appearing for the respondent would submit that the petitioner, 1st accused and the deceased Sudalaimani were friends. The younger brother of the 1st accused namely Muthupandi, deceased Sudalaimani and few others attempted to loot the temple properties, during which, Muthupandi fell down, sustained grievous injuries and later died. Believing that the deceased Sudalaimani was the reason for the death of his younger brother, the 1st accused wreak vengeance upon the deceased Sudalaimani and on 11.07.2013 at about 6.30 pm, the 1st accused along with the petitioner intercepted the deceased Sudalaimani and attacked him with sickle due to which he sustained grievous injuries and died.



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7. He would further submit that P.W.1 and P.W.2 viz., mother and sister of the deceased are the eye witnesses to the occurrences and they have spoken about the occurrence. The Trial Court rightly analysing the evidences of P.W.1 and P.W.2 and had found the petitioner guilty and convicted him. Hence, he would vehemently oppose for grant of bail to the petitioner.

8. It is an application of suspension of sentence. Admittedly as per Ex.P7 Accident Register in respect of the petitioner he is said to have sustained five cut injuries. There is no explanation regarding the same and no investigation with regard to the same has been conducted. 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.

9. 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 Additional District and Sessions Judge, Srivilliputhur;
- 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



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Bank passbook to ensure their identity;

iii. The petitioner shall stay at Vellore and report before the Inspector of Adukkamparai, Police Station, 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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/08/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

rgm

TO

- 1 The Additional District and Sessions Judge,
Srivilliputhur.
- 2 The Superintendent,
Central Prison, Madurai.
- 3 The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar.
- 4 The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Copy to:

The Inspector of Police,
Adukkamparai Police Station,
Vellore.

+1 CC to M/s.S.VAIRAMUTHU, Advocate (SR-8799[I] dated 13/08/2025)

ORDER
IN
CRL MP(MD) No.3901 of 2025
Date :13/08/2025

AS/19.08.2025/6P/7C

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