



CRL.MP(MD) No. 3855 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

CRL.MP(MD) No. 3855 of 2025

in

CrI.A(MD)No.1078 of 2023

Selvam

...Petitioner / Appellant

Vs.

State of Tamil Nadu through
The Inspector of Police
Seithur Police Station,
Virudhunagar District.
(Crime No.87 of 2018)

... Respondent/complainant

Prayer : Petition filed under Section 430 (1) of BNSS to suspend the sentence imposed against the petitioner in S.C.No.154 of 2018 dated 26.04.2023 passed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.G.Karuppasamypandiyan

For Respondent : Mr.A.Thiruvadi Kumar,

Additional Public Prosecutor



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ORDER

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

Seeking to suspend the sentence imposed on the petitioner by the Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, vide Judgment dated 26.04.2023 in S.C.No.154 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
294(b) IPC	Nil	Rs.500/- i/d to under go one week simple imprisonment
326 IPC	To undergo three years rigorous imprisonment	Rs.5,000/- i/d to under go one month simple imprisonment
302 IPC	To undergo life imprisonment	Rs.5,000/- i/d to under go one month simple imprisonment

3. The case of the prosecution is that the petitioner's father and the deceased are siblings. When petitioner's grandfather was alive, the property was divided between his father and the deceased. Even then, there was a dispute relating



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to a vacant land which was in the possession of the deceased. In this regard, there used to be frequent quarrel, between petitioner's family and the deceased family. On 17.04.2018, at 9.30 PM, the deceased and his son (PW5) have come to petitioner's house and picked up a quarrel with his family and abused his mother. On knowing that, the petitioner had gone to the house of the deceased with sickle and attacked the deceased and caused his death. During the attack (PW1) who intervened was also attacked and thereafter, the present complaint was lodged and the Respondent Police registered FIR in Crime No.87 of 2018, for the offence U/s.326, 506(ii), 294(b) and 302.

4. The learned counsel appearing for the petitioner would submit that even as per the prosecution the incident had happened during sudden quarrel and there was no intention on the part of the petitioner to commit the murder. 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 appearing for the respondent - Police, would submit that the eyewitnesses namely, P.W.1 to P.W.5 categorically deposed about the involvement



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of the petitioner and P.W.2 and P.W.5 have vividly deposed about the incident which took place immediately after the arrival of the petitioner, thereby, he would vehemently oppose for grant of bail to the petitioner.

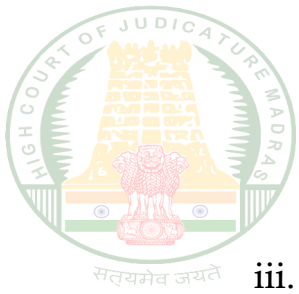
6. Heard the learned counsel on either side and perused the materials available on record.

7. It is an application of suspension of sentence. The incident is said to have taken place during a quarrel. 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 Srivilliputtur.

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.



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iii. The petitioner shall stay at Chidambaram and report before the Inspector of Police, Chidambaram Town 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/-
05/08/2025

/ TRUE COPY /

07/08/2025
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 Principal District and Sessions Judge,
Virudhunagar District at Srivilliputtur.
2. The Superintendent, Central Prison, Madurai.
3. The Inspector of Police
Seithur Police Station,
Virudhunagar District.
4. The Inspector of Police,
Chidambaram Town Police Station,
Chidambaram.



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

+1 CC to M/s.G.KARUPPASAMY PANDIYAN, Advocate (SR-8476[I] dated
06/08/2025)

ORDER
IN
CRL MP(MD) No.3855 of 2025
Date :05/08/2025

SBN/07.08.2025 6P/7C

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