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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 24.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRL MP(MD)Nos.3783, 3798 and 3805 of 2025

in

CRL A(MD)Nos.366, 370 and 368 of 2025

M.Sundarapandi
Sankarganesh
V.Sundarapandi

... Petitioner in CrI MP(MD)No.3783 of 2025
... Petitioner in CrI MP(MD)No.3798 of 2025
... Petitioner in CrI MP(MD)No.3805 of 2025

Vs

The State represented by
The Inspector of Police,
Nanguneri Police Station,
(Crime No.310 of 2011)

... Respondent in all petitions

Prayer: Petitions filed under Section 430 of BNSS to suspend the conviction and sentence imposed against the petitioner in judgment of conviction and sentence dated 27.02.2025 in SC.No.81 of 2016 on the file of the IV Additional Sessions Judge, Tirunelveli and enlarge the petitioner on bail pending disposal of the criminal appeals.

For Petitioner : Mr.A.Sivasubramanian
For Respondent : Mr.AS.Abdul Kalam
Government Advocate (Crl Side)
in all petitions



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COMMON ORDER

The petitioners are accused Nos.A5, A6 and A1 respectively in SplSC.No.81 of 2016 on the file of the IV Additional Sessions Judge, Tirunelveli. They have been found guilty and convicted by judgment dated 27.02.2025 as follows:

Rank	Section	Punishment	Fine (in Rs)	default class
A5	323 IPC	6 months simple imprisonment	500	3 months simple imprisonment
A6	307 IPC	7 years rigorous imprisonment	1000	6 months simple imprisonment
A1	324 IPC	2 years simple imprisonment	1000	3 months simple imprisonment

As against the conviction, the petitioners have filed criminal appeals in CRL A(MD)Nos.366, 370 and 368 of 2025 respectively and those appeals are admitted by this Court. They have also filed these petitions to suspend the sentence pending the appeals.

2.Since all these cases are arising out of the same judgment, these petitions are taken up together and disposed of by this common order. For sake of convenience the petitioners are referred to as per their ranks before the trial Court.

3.The learned counsel for the petitioners submits that PW1 to PW4 who had sustained injuries have not supported the prosecution case and the evidence of PW2



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and PW4 are contradicting each others with regard to the overt act against the appellants and they turned hostile. There are contradictions with regard to the occurrence place and there are discrepancies in Ex.P2 observation mahazar and ExP.13 sketch. PW5 and PW6, witnesses to the observation mahazar have not supported the case of the prosecution and PW5 turned hostile. The evidence of PW3 cannot be relied on since he had stated different versions as to the occurrence in the complaint Ex.P1 and in the Accident Register Ex.P9. The Doctor, who treated PW4 has stated that he had sustained simple injury.

4.The learned Counsel further submits that the wooden log said to be used by A5 has not been recovered. The recovery of MO.1 Aruval said to be used by A6 is not proved by the prosecution and in this regard the evidence of the investigating officer PW14 and the Village Administrative Officer PW7 are also contradictory. The investigating officer has not collected the blood stained earth and the MO1 and MO2 have not been sent for chemical analysis. Therefore without considering all these aspects, the trial court has convicted the petitioners. The petitioners are in jail from the date of conviction.



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5. The learned Government Advocate (Crl Side) appearing for the respondent submits that the prosecution has established the case against the appellants and though few witnesses have turned hostile, the trial Court has rightly considered the evidence of the witnesses, the exhibits and the material objects and convicted the appellants.

6. This court considered the rival submissions made and perused the materials placed on record.

7. The petitioners have raised certain arguable points, which can be considered only during the final hearing of the appeals. However the appeals could not be taken up for final hearing for want of time. Considering the points raised by the petitioners and for the reason that the appeals could not be taken up immediately, this Court is inclined to allow these petitions.

8. Accordingly these petitions are allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeals and the petitioners are ordered to be enlarged on bail on each executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like



sum to the satisfaction of the IV Additional Sessions Judge, Tirunelveli and the
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petitioners shall report before the trial Court on the first working day of every
month.

sd/-
24/03/2025

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/03/2025
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK

To

1. IV Additional Sessions Judge,
Tirunelveli.
2. The Inspector of Police,
Nanguneri Police Station.
- 3 The Superintendent, Central Prison, Palayamkottai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL MP(MD)Nos.3783, 3798 and 3805 of 2025
in
CRL A(MD)Nos.366, 370 and 368 of 2025
Date :24/03/2025

MK/GSV/SAR /26.03.2025 5P/5C

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