



CRL MP(MD) NO. 4766 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29-07-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

CRL MP(MD) NO. 4766 of 2025

IN

CRL A(MD) NO. 378 OF 2025

Thiraviam @ Durai

S/o Chelliah Thevar, No. 96 Pooludaiyar Street, Soorankudi
Village, Tirunelveli District.

Petitioner(s)

Vs

The State of Tamil Nadu

Rep by The Inspector of Police, Nanguneri Police station,
Tirunelveli District. Crime No. 311/2011

Respondent(s)

Prayer: This petition is filed under Section 389(1) Cr.P.C., to suspend the sentence imposed on the appellant/accused No.1 namely Thiraviam @ Durai by the learned IV Additional District and Sessions Judge, Tirunelveli, in S.C.No.63 of 2013 dated 27.02.2025 and enlarge the appellant on bail pending disposal of the appeal.

For Petitioner(s):

K.Suyambulingabharathi
Nambirajan.A
Ramasamy.S
Murugesan.M
Suresh Kumar.S
Vishnuvardhan.S
Anantha Murugan.S



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Kokila.S
Muthukumar.P
Ajaybrabu.B
For Respondent(s): Mr.B.Nambi Selvan
Additional Public Prosecutor

ORDER

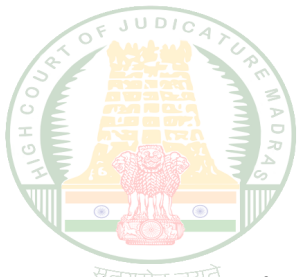
(Order of the Court was made by the Hon'ble A.D.JAGADISH CHANDIRA J.)

Seeking to suspend the sentence imposed on the petitioner by the IV Additional Sessions Court, Tirunelveli, *vide* Judgment dated 27.02.2025 in S.C.No.63 of 2013, he has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
307 I.P.C.	To undergo 7 years of rigorous imprisonment	Rs.1000/- i/d to under go six months simple imprisonment

3.The de-facto complainant viz., Sankarganesh, who is residing at Kadamboduvalvu Village, with his family and all the accused are the resident of Soorankudi Village, which is an adjacent village of Kadamboduvalvu Village. On 27.09.2011, there was a temple festival conducted by Soorankudi Villages in

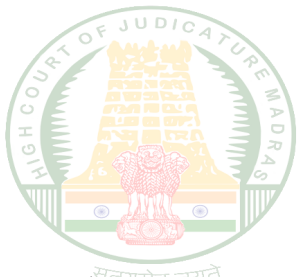


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the eve of Thasara, in which, the nearby villages participated. During the festival, there was a wordy altercation between one Sundarapandi and the fourth accused, with regard to fire pit walking ceremony. Hence, the village elders have pacified the issue between the parties. In the meanwhile, there was an attack occurred by Kadamboduvalvu Villagers and out of the said attack, the appellant as well as the other accused sustained injuries. Based on which, a complaint has been given and a case has been registered in Crime No.310 of 2011. Out of the enmity in the said occurrence, when the appellant as well as the other accused came near Pooludaiyar Street, Soorankudi, the accused persons waylaid and abused them in filthy language and attacked them with deadly weapons. Due to which, a case has been registered in Crime No.311 of 2011.

4.The learned counsel appearing for the petitioner would submit that the trial Court had failed to take into consideration that it is a case and case in counter. It is an admitted case of P.W.15/Investigating Officer that the so called victims are the residents of Kadamboduvalvu Village and that even as per P.W.15, 19 persons belonging to the so called victim's side have entered into the village during the wee hours at 01.15 a.m., and they have committed criminal trespass into the house of the second accused viz., Sudalaikannu and they have assaulted him indiscriminately with sickle and wooden-log, it has



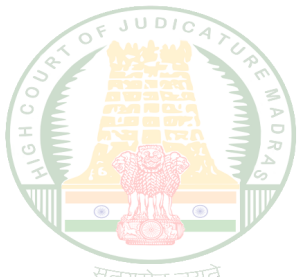
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been reported in Ex.P.17/inquest report. A1 to A4, who had sustained injuries, were admitted in Nanguneri Government Hospital at the early hours on 28.09.2011. The learned counsel further submitted that it is also categorically admitted by the Investigating Officer/P.W.15 that the residents of Kadamboduvalvu village are aggressors in this case and there is no intention on the part of the petitioner to commit the offence. The learned counsel further submitted that the deceased, who said to have been admitted in the hospital on 28.09.2011 had passed away on 05.10.2011. The petitioner is a resident of Soorangudi Village and he do not have any bad antecedents. Hence, he prayed for suspension of sentence.

5.Per contra, the learned Additional Public Prosecutor appearing for the respondent – Police, has filed a detailed counter and stated that the trial Court rightly finding that the incidents are separate incident had conducted two different trial and there is no procedural irregularities in the case. The infirmities pointed out by the petitioner does not affect the case of the prosecution in any manner and thereby he would vehemently oppose for grant of bail to the petitioner.

6. Heard the learned counsel on either side and perused the



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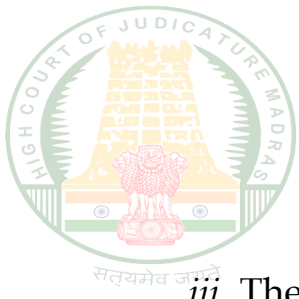
materials available on record.

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7. It is an application of suspension of sentence. We do not propose to delve deep into the evidence at this stage. The appeal is of the year 2023 and the petitioner is in prison for more than two years. Further the likelihood of the appeal being taken up for final hearing in the near future is also not possible. Having gone through the records and perused the materials available on record including the deposition, more particularly, the deposition of P.W.15/Investigating Officer, 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 IV 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.



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iii. The petitioner shall stay at Chennai and report before the Inspector of Police, Flower Bazaar 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/-

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

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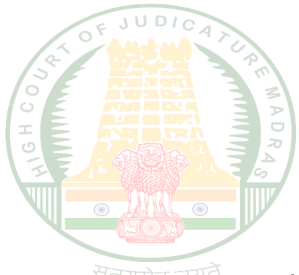
1 THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE, TIRUNELVELI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
NANGUNERI POLICE STATION, TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE,
FLOWER BAZAAR POLICE STATION, CHENNAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS
HIGH COURT, MADURAI.



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+1 CC to M/s.K.SUYAMBULINGABHARATHI, Advocate (SR-8169[I] dated
30/07/2025)

ORDER

IN

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IN

CRL A(MD) NO. 378 OF 2025

Date :29/07/2025

NBF/SAR- /31/07/2025/ 7P/7C

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