



Crl.M.P.(MD) Nos.5670 of 2024 & 7614 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R. POORNIMA**

**CRL.MP(MD) Nos.5670 of 2024 & 7614 of 2025
in
Crl.A(MD)No.133 of 2024**

A.AyiramPetitioner in CRL.MP(MD) No.5670 of 2024

A.Sudalai Nainar Petitioner in CRL.MP(MD) No.7614 of 2025

Vs.

State rep. by

The Inspector of Police

Tirunelveli Taluk Police Station

Tirunelveli District.

(Crime No.101 of 2019)

..... Respondent in both petitions



Crl.M.P.(MD) Nos.5670 of 2024 & 7614 of 2025

WEB COPY

Prayer : Petitions filed under Section 430(1) of BNSS to suspend the sentence of imprisonment imposed by the learned Sessions Judge, Mahila Court, Tiruchirappalli made in S.C.No.386 of 2019 by judgment dated 27.04.2023 and enlarge the petitioners/appellants on bail, pending disposal of the Criminal Appeal.

For Petitioners : Mr.T.J.Ebenezer Charles

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

ORDER

[Order of the Court was made by G.K.ILANTHIRAIYAN, J.]

Seeking to suspend the sentence imposed on the petitioners by the Sessions Judge, Mahila Court, Tiruchirappalli, *vide* Judgment dated 27.04.2023 in S.C.No.386 of 2019, they have filed this Criminal Miscellaneous Petitions.

2. There were totally three accused in which the petitioners



CrI.M.P.(MD) Nos.5670 of 2024 & 7614 of 2025

WEB COPY

are A1 and A2. The petitioners were convicted for offence punishable under Section 302 of IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.10,000/- in default to undergo three months simple imprisonment each and for offence punishable under Section 506(ii) IPC and sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.1000/- in default to undergo three months simple imprisonment each and for offence punishable under Section 294(b) IPC and sentenced to undergo one month rigorous imprisonment each and for offence punishable under Section 4 of Protection of Women Harassment Act and sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.10,000/- in default to undergo three months simple imprisonment each.

3. The learned counsel appearing for the petitioners would submit that they have a chance to modify the sentence since the occurrence took place due to sudden quarrel it can be considered if the crime committed only by A2 who is the husband of the deceased. Whereas A1 who is the brother of A2 also had some overt act. A2 had used two weapons and murder his wife by suspecting her fidelity. Therefore, A1 has made out a *prima facie* case to suspend their sentence.



CrI.M.P.(MD) Nos.5670 of 2024 & 7614 of 2025

WEB COPY

4. That apart the Hon'ble Supreme Court of India in the case of ***Omprakash Sahni Vs. Jaishankar Chaudry and another reported in 2023 (6) SCC 123***, has held that the Courts should be to see as to whether the case presented by the prosecution and accepted by the Trial Court can be said to be a case in which, ultimately the convict stands for fair chances of acquittal. Hence, he prays to consider the application for suspension of sentence.

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

6. The petitioners have failed to make out a *prima facie* case for grant of suspension of sentence, hence we are of the opinion that it is not a fit case for grant of suspension of sentence to the petitioners.

7. Accordingly these Criminal Miscellaneous Petitions are dismissed.



Crl.M.P.(MD) Nos.5670 of 2024 & 7614 of 2025

8. Post the criminal appeal in the usual course for final hearing.

[G.K.I., J.] & [R.P., J.]
02.12.2025

NCC : Yes / No
Index : Yes / No

rm

Copy to

1. The Sessions Judge,
Mahila Court,
Tiruchirappalli.

2.The Inspector of Police
Tirunelveli Taluk Police Station
Tirunelveli District.



Crl.M.P.(MD) Nos.5670 of 2024 & 7614 of 2025

G.K.ILANTHIRAIYAN, J.
AND
R.POORNIMA, J.

rm

CRL.MP(MD) Nos.5670 of 2024 & 7614 of 2025
in
Crl.A(MD)No.133 of 2024

02.12.2025