



CRL.MP(MD) No. 6131 of 2024

WEB COPY 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. 6131 of 2024
in
Crl.A(MD)No.526 of 2024

Dhanapal

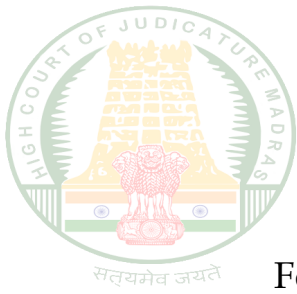
...Petitioner / Appellant

Vs.

State rep. by
The Inspector of Police
Manachanallur Police Station,
Trichy District.
(Crime No.4 of 2019)

..... Respondent/complainant

Prayer : Petition filed under Section 430 (1) of BNSS to suspend the sentence imposed against the petitioner in S.C.No.201 of 2019 dated 26.02.2020 passed by the learned III Additional District and Sessions Judge, Tiruchirappalli, pending disposal of the criminal appeal.



CRL.MP(MD) No. 6131 of 2024

WEB COPY

For Petitioner : Mr.K.Sivabalan

For Respondent : Mr.B.Nambi Selvan
Additional Public Prosecutor

ORDER

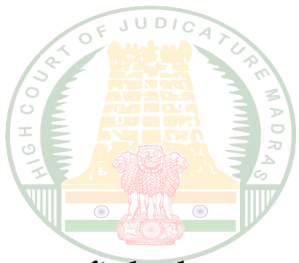
[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

Seeking to suspend the sentence imposed on the petitioner by the III Additional District and Sessions Judge, Tiruchirappalli, vide Judgment dated 26.02.2020 in S.C.No.201 of 2019, he has filed this Criminal Miscellaneous Petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
302 IPC	To undergo life imprisonment	Rs.500/- i/d to under go six months rigorous imprisonment

3. The petitioner is the son of the deceased. The case of the prosecution is that the deceased Parathesi who was working as a coolie and used to scold the petitioner. The conduct of the petitioner in not going to any work and sit at home made the deceased angry on his son. On 08.01.2019 at about 8.00 p.m., there was a



CRL.MP(MD) No. 6131 of 2024

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fight between the deceased and the petitioner regarding his conduct. At that time the petitioner threatened the deceased. Thereafter once again on 09.11.2019 there was a quarrel between the petitioner and the deceased. During quarrel the deceased had broken the TV and pursuant to the quarrel the petitioner dragged the deceased out the same and attacked him wooden log resulting in him sustaining head injuries and dying on the spot. Hence the respondent police has registered a case in crime No.04 of 2019 for the offence under Section 302 of IPC.

4. The learned counsel appearing for the petitioner would submit that the alleged occurrence said to have taken place during a quarrel and there was no intention on the part of the petitioner to attack his father who had fallen down during quarrel and sustained injuries and died on the spot. P.W.1 to P.W.4 who have been examined as eyewitnesses have not supported the case of prosecution. The petitioner is in custody for more than 6 ½ years, thereby he would seek to suspend the sentence.

5. The respondent has filed a counter. The learned Additional Public Prosecutor would submit that there are direct eye witnesses to the occurrence and P.W.1 and P.W.10 confirmed the prosecution case and there was no denial of the



CRL.MP(MD) No. 6131 of 2024

previous issues between the petitioner and the deceased, thereby he would
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vehemently opposed for grant of bail to the petitioner.

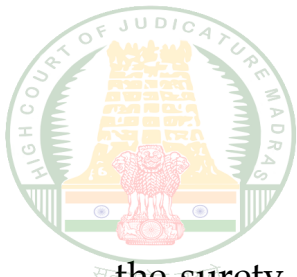
6. Heard the learned counsel on either side and perused the materials available on record.

7. It is an application of suspension of sentence. 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 III Additional District and Sessions Judge, Tiruchirappalli.

ii. The sureties shall affix their photographs and Left Thumb Impression in



CRL.MP(MD) No. 6131 of 2024

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 Tirunelveli District and report before the
Inspector of Police, Tirunelveli 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

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/08/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Copy to

1. The III Additional District and Sessions Judge,
Tiruchirappalli
2. The Superintendent,
Central Prison, Trichirappalli.



CRL.MP(MD) No. 6131 of 2024

3. The Inspector of Police
Manachanallur Police Station,
Trichy District.

4. The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli.

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

+1. C.C. to m/s.K.SIVABALAN Advocate SR.No.49195
Dated:06.08.2025

ORDER
IN
CRL MP(MD) No.6131 of 2024
Date :05/08/2025

PS/SAR.07.08.2025 6P/7C

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