



Crl.M.P.(MD)No.6160 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.6160 of 2025

in Crl.A.(MD)No.538 of 2025

1. Gunasekaran @ Saravanan,
S/o.Selvaraj,
No.2/298, Muthu Gounder Kaadu,
Pushpavanam Post,
Vedharanyam Taluk,
Nagapattinam District.

2. Sivakumar,
S/o.Annamalai,
South 5th Piragaram,
Thiruvaanaikovil,
Tiruchirapalli.

Petitioner(s)

versus

The State of Tamilnadu,
Rep. by The Inspector of Police,
Srirangam Police Station,
Trichy.

Respondent(s)

For Petitioner(s):

Mr.SC.Herold Singh
Advocate

For Respondent(s):

Mr.P.Kottaichamy,
Government Advocate (Crl. Side)



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ORDER

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The petitioners are A3 and A4 in S.C.No.138 of 2021 on the file of the II Additional District and Sessions Court, Trichy. Originally, a case was registered in Crime No.676 of 2018 as against the petitioners for the offence under Sections 294(b), 323, 307 IPC and after the death of the deceased, the offence has been altered into Sections 294(b), 341, 302 and Section 34 of IPC. In conclusion of trial, the trial Court, by its Judgment dated 13.03.2025, found the petitioners guilty for the offence under Sections 323 and 341 IPC and convicted and sentenced them as under:

(i) for the offence under Section 323 IPC, to undergo simple imprisonment for a period of one year each and to pay a fine of Rs.1,000/- each, in default to undergo simple imprisonment for a further period of three months each.

(ii) for the offence under Section 341 IPC, to undergo simple imprisonment for a period of one month each and to pay a fine of Rs.500/- each, in default to undergo one week simple imprisonment.

Challenging the Judgment of conviction and sentence, the petitioners have filed an appeal in Crl.A.(MD)No.538 of 2025 and the same is admitted today. Along with the appeal, the petitioner has moved this petition seeking to suspend the sentence.

2. The learned counsel appearing for the petitioners submits that P.W.1, in his examination admitted that the 1st accused attacked his son repeatedly with knife and



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therefore, the deceased was admitted to a Hospital and after 20 days, he died.

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Though the petitioners are accused Nos.3 and 4, the main allegations are against the 1st and 2nd accused and they are no more as on date. The learned counsel further submits that the trial Court has already suspended the sentence for a period of one month.

3. Heard the learned Government Advocate (Crl. Side).

4. The petitioners have raised certain arguable points, which can be considered only at the time of final hearing and the appeal could not be taken up for final hearing for want of time.

5. Considering the points raised by the petitioners and for the reasons that the appeal could not be taken up immediately and the trial Court has already suspended the sentence for a period of one month, this Court is inclined to allow this petition.

6. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioners are ordered to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand



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only) each, with two sureties each for a like sum to the satisfaction of the learned
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Judicial Magistrate, District Munsif Court, Srirangam and on further condition that
the petitioners shall appear before the said Court once in a month, i.e. on the first
working day of every English Calender month at 10.30 a.m., till the disposal of the
appeal.

sd/-
30/04/2025

/ TRUE COPY /

02/05/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

To

1. The Judicial Magistrate,
District Munsif Court, Srirangam.
2. The Chief Judicial Magistrate,
Tiruchirapalli District.
3. The Inspector of Police,
Srirangam Police Station, Trichy.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER IN
CRL MP(MD) No.6160 of 2025
Date :30/04/2025

PP/SAR. /02.05.2025/5P/5C

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