



CRL MP(MD). No.6446 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24/07/2025

CORAM

THE HONOURABLE DR. JUSTICE R.N.MANJULA

CRL MP(MD). No.6446 of 2025

in

CrI.A(MD) No.220 of 2025

Venkatesh @ Venkateswaran

... Petitioner

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Kollidam Police Station,
Tiruchirappalli District.
Crime No. 330/2015.

... Respondent

PRAYER :-

This Criminal Miscellaneous Petition is filed to suspend the sentence passed by Learned Sessions Principal District and Sessions Judge, Tiruchirappalli in S.C. No. 158 of 2017 dt. 07.12.2024 enlarge the Appellant/ Accused on bail pending disposal of above Criminal Appeal.

For Petitioner : Mr.N. Mohideen Basha

For Respondent : Mr.K.Gnanasekaran
Government Advocate (CrI.Side)



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ORDER

The Criminal Miscellaneous Petition is filed for suspension of sentence imposed by the learned Principal District Judge, Tiruchirappalli in S.C.no.158 of 2017, dated 07.12.2024.

2. The case of the prosecution is that on 29.07.2015 at about 07.15 p.m., when the deceased, who is the grandfather of accused's wife was sitting in front of the house of one Kandhan, due to previous enmity, the accused attacked the deceased with aruval in various parts and caused death.

3. Subsequently, the wife of the deceased has given a complaint and the same has been registered in Crime No.330 of 2015 of Kolidam Police Station for the offences punishable under Section 302 IPC.

4. After conclusion of Trial, the Trial Court has convicted and sentenced the petitioner/appellant under Section 304(1) IPC as follows.

Sl.No.	Offences under Sections	Punishment	Fine	In default Sentence
Accused	304(1) IPC	Rigorous Imprisonment for 10 years	to pay a fine of Rs.1,000/-	simple Imprisonment for 1 month

5. The learned counsel for the petitioner/appellant submitted that the complaint given by the defacto complainant is inconsistent; the accused was arrested



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on 29.07.2015 at 07.45p.m., on the date of occurrence itself. However, as per the
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prosecution, he was arrested only on 30.07.2015; the trial Court failed to consider the contradictions in the confession, recovery and solely relied on the cross examination of PW1.

6. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the trial court has given due credence to the evidence of the PW1 and arrived at a right conclusion.

7.The appeal has already been admitted as the Court thought that petitioner/appellant has made some grounds for detailed hearing. Considering the fact that there are arguable points involved in this criminal appeal and there is no possibility to take up the appeal immediately, I feel it is appropriate to suspend the sentence of imprisonment alone on conditions.

8.Accordingly, the substantive part of the sentence alone is suspended till the disposal of the appeal on the following conditions:

- i. that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Trichirappalli;*
- ii. that the petitioner shall appear before the trial Court on all working days at*



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10.30a.m., till the disposal of the appeal.

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9. Accordingly, this Criminal Miscellaneous Petition is allowed.

sd/-

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25/07/2025

Sub-Assistant Registrar

Madurai Bench of Madras High Court,
Madurai - 625 023.

pnm
TO

- 1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, TRICHIRAPPALLI.
 - 2 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
 - 3 THE INSPECTOR OF POLICE, KOLLIDAM POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS
HIGH COURT, MADURAI.
- +1 CC to M/s.N.MOHIDEEN BASHA, Advocate (SR-7993[I] dated 24/07/2025)

ORDER

IN

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in

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Date :24/07/2025

NBF/SAR- /25/07/2025/ 4P/6C

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