



CRL MP(MD) No. 6476 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.08.2025

CORAM

**THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MS.JUSTICE R. POORNIMA**

**CRL MP(MD) No. 6476 of 2025
in
Cr1.A(MD)No.397 of 2025**

Ganapathy

....Petitioner

Vs

**1. The Inspector of Police
K.Pudhupatti
Melaratha veethi, Viramalai
Pudukottai,
Tamil Nadu**

2 K.Shanthi

....Respondents

Prayer: Petition filed under Section 430 (1) of B.N.S.S to suspend the sentence imposed on the petitioner by the learned Additional District and Sessions Judge, Pudukottai in S.C. No.61 of 2014 dated 12.02.2025 and enlarge the petitioner on bail pending disposal of the criminal appeal.

**For Petitioner : Mr.R.Shanmuga Sundaram , Senior Counsel
for Mr.V.Purushothaman Reddy
For Respondent : Mr.A.Thiruvadikumar
No.1 Additional Public Prosecutor
No.2 : Mr. S.Karthikeyan**



CRL MP(MD) No. 6476 of 2025

ORDER

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

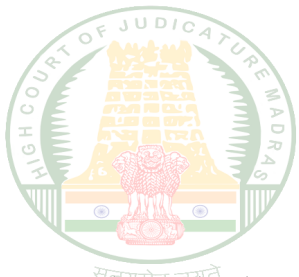
Seeking to suspend the sentence imposed on the petitioner by the learned Additional District and Sessions Judge, Pudukottai, *vide* Judgment dated 12.02.2025 in S.C.No.61 of 2014, he has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
302 I.P.C	Life imprisonment	Rs.500/- i/d to under go three month simple imprisonment
341 of IPC	One month simple imprisonment	-

3. The case of the prosecution is that due to previous enmity all the accused persons conspired together and committed the murder of the deceased. Hence the case.

4. The learned Senior Counsel appearing for the petitioner would submit that the First Information Report has been registered based on the complaint given by P.W.1. As per P.W.1 he along with the deceased had gone on walk at 5.00 a.m., during such time three unknown person out of which two armed with weapon had assaulted the deceased due to which he sustained injuries and died on the spot.



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Though the accused are the persons from the same village and very well known to P.W.1 he has not named them. However Test Identification Parade was conducted in the presence of P.W.22 in which P.W.1 has not identified the accused, whereas strangely P.W.2 wife of the deceased had deposed as if P.W.1 had named the accused to her immediately after the occurrence thereby falsifying the evidence of P.W.1. He would further submit that the petitioner is in custody from the date of judgment and apart from that, there are several arguable points and the appeal is of year 2025 and the likelihood of the appeal being taken up for final hearing in the near future is also not possible and therefore, he prayed for suspension of sentence.

5. The learned Additional Public Prosecutor appearing for the respondent – Police, would submit that it is a case where due to previous motive regarding election and that the accused who were under the impression that the deceased had impleaded them in a false case had committed murder of the deceased. The alleged occurrence took place in the early morning and the respondent police has proved the case and thereby the trial Court has rightly convicted the accused, thereby, he would vehemently oppose for grant of bail to the petitioner.

6. The learned counsel appearing for the second respondent who assisted the prosecution would submit that the accused have committed the murder on account of political rivalry, thereby he would object to suspend the sentence.



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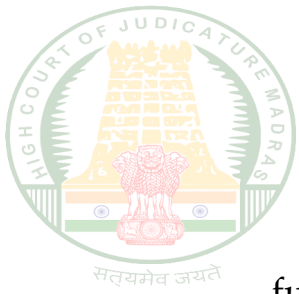
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7. Heard the learned counsel on either side and perused the materials available on record.

8. It is an application of suspension of sentence. Though the informant is said to be the person from the same village he had not identified the accused. Further in the Test Identification Parade he has not identified the accused. 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.

9. 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 District Munsif cum Judicial Magistrate, Thirumayam, Pudukottai District
- 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.
- 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



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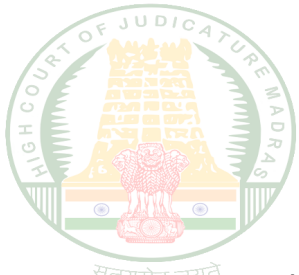
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Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, PUDUKKOTTAI.
- 2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, THIRUMAYAM, PUDUKKOTTAI DISTRICT.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT.
- 4 THE INSPECTOR OF POLICE, K.PUDHUPATTI, MELARATHA VEETHI, VIRALIMALAI, PUDUKKOTTAI, TAMIL NADU.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 6 THE INSPECTOR OF POLICE, FLOWER BAZAAR POLICE STATION.
- 7 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+2 CC to M/s.S.S.SHAHUL HAMEED BAIG, Advocate (SR-8678[I] dated
11/08/2025)

ORDER

IN

CRL MP(MD) No. 6476 of 2025

in

CrI.A(MD)No.397 of 2025

Date :11/08/2025

NBF/SAR- /13/08/2025/ 6P/10C

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