



CRL MP(MD) NO. 6464 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

CRL MP(MD) NO. 6464 of 2025

IN

CRL A(MD) NO. 572 OF 2025

Arumugam @ Padayappa

Petitioner(s)

Vs

State through Tamil Nadu

Inspector of Police,

Suthamalli Police Station,

Tirunelveli District.

Respondent(s)

For Petitioner(s):

Mr.K.A.Raamakrishnan

For Respondent(s):

Mr.R.Meenakshi Sundaram

Additional Public Prosecutor

PRAYER : This Petition is filed under Section 430 of BNSS praying to suspend the sentence imposed against the petitioner in S.C.No.250/2022 dated 28.04.2025 on the file of the Mahila Court, Tirunelveli District and enlarge him on bail pending disposal of the above appeal.



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ORDER

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The Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Judge, Mahila Court, Tirunelveli District, dated 28.04.2025 in S.C.No.250/2022 till the disposal of appeal.

2. The petitioner / appellant is the sole accused, who has been convicted and sentenced by the Trial Court as under.

Accused	Offences under Sections	Punishment	Fine	In default Sentence
Sole Accused	294(b) IPC	-	Rs.500/-	Simple Imprisonment for 1 week
	307 IPC	Rigorous Imprisonment for 5 years	Rs.1,000/-	Simple Imprisonment for 1 month
	506(ii) IPC	Rigorous Imprisonment for 1 year	Rs.1,000/-	Simple Imprisonment for 2 weeks
	332 IPC	Rigorous Imprisonment for 2 years	Rs.1,000/-	Simple Imprisonment for 2 weeks
	4 of TNPHW Act	Rigorous Imprisonment for 1 year	Rs.10,000/-	Simple Imprisonment for 2 weeks

3. The sentences were ordered to run concurrently. Set off under Section 428

Cr.P.C. is also ordered.

<https://www.mmc.tn.gov.in/judis>



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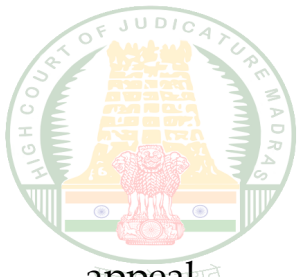
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4.1. As per the case of the prosecution, on 27.03.2022, at about 07.55 p.m., when the Police party was doing vehicle check up near Pazhavur bus stop, Tirunelveli, PW1 was riding a bike bearing Registration No.TN 7 M 1355 in an intoxicated state by having the accused as a pillion rider. When they were intercepted by the Police for registering a case for 'drunken driving', the accused requested the Police not to issue Chalan. But, PW1 did not heed to his request.

4.2. Forming a motive due to the said incident, the accused thought of murdering PW1 and on 22.04.2022, when PW1 was on bandobast duty at Uchimaakaliamman Temple Festival, at about 00.45 hours, the accused abused her in filthy language, attacked over her left cheek, front portion of her left neck and on the right side chest with knife and attempted to murder her. When the people nearby shouted and were about to catch him, he threatened to kill them by showing another knife with wooden handle.

4.3. On the basis of the above allegations, the accused has been charged for the offences punishable under Sections 294(b), 307, 332, 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act.

5. At the conclusion of trial, the accused was found guilty and convicted and sentenced as mentioned supra. Aggrieved over that, the accused has filed this



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appeal.

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6. The learned counsel appearing for the petitioner submitted that the identification of the accused in the light has not been mentioned by any of the witnesses; all the witnesses were Police officials and no single independent witness has been examined; weapons were not recovered from the accused at the scene of occurrence, but, recovered next day.

7. It is further submitted that there was no preparation for attacking PW1 and hence convicting the accused under Section 307 IPC is not correct. It is therefore submitted that the Trial Court failed to appreciate the above facts. It is further submitted that the petitioner had been detained in prison for more than 8 months under Goondas Act.

8. The learned Additional Public Prosecutor appearing for the respondent submitted that as it is a Temple Festival, even if the witnesses did not give evidence about the light, it is quiet possible and natural that lamps would be glowing and spreading light. It is submitted that PW7 and PW8 are independent witnesses. The petitioner was found to be in possession of a weapon at the time of occurrence and the evidence available on record are strong enough to prove the guilt against the accused.



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9. The petitioner has been found guilty for attacking the woman Sub Inspector of Police with a weapon. Even though, much fuss has been made about the presence of light, PW1 has told to the Doctor that she was attacked by a known person.

10. But the appeal is seen to have been admitted on 09.05.2025. The petitioner has already served sentence in prison for a period of 8 months and as there is no possibility to take up the appeal any time sooner, I feel it is appropriate to suspend the sentence alone on conditions.

11. Accordingly, the substantive part of the sentence alone is suspended 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 Judge, Mahila Court, Tirunelveli District;
- ii. that the petitioner shall stay at Salem District and appear and sign before the Salem Town Police Station daily at 10.30 a.m. till the disposal of appeal.



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12. Accordingly, this Criminal Miscellaneous Petition is allowed.

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24/06/2025

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/06/2025
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 Judge, Mahila Court,
Tirunelveli District.

2.The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.

3 THE INSPECTOR OF POLICE,
SALEM TOWN POLICE STATION, SALEM.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

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

+1 CC to M/s.KA.RAAMAKRISHNAN, Advocate (SR-6712[I] dated 24/06/2025)



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ORDER
IN
CRL MP(MD) No.6464 of 2025
IN
CRL A(MD) No.572 of 2025
Date :24/06/2025

MK/26.06.2025 7P/7C

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