



CrI.M.P.(MD) No.7339 of 2024

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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**

**CrI.M.P.(MD) No.7339 of 2024
in
CrI.A.(MD) No.612 of 2024**

Kaliappan

... Petitioner/
Appellant/ Accused No.1

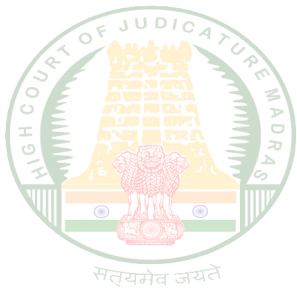
vs.

The State of Tamil Nadu,
Rep by its
The Inspector of Police,
Manur Police Station,
Tirunelveli District.
(Crime No.34 of 2021)

... Respondent/
Respondent/ Complainant

PRAYER: Petition filed under Section 389(1) of the Criminal Procedure Code and under Section 438(1) BNSS, to grant an order of suspension of sentence imposed in the conviction judgment passed in S.C.No.557 of 2021 dated 28.07.2023 on the file of the learned Sessions Judge, Mahilar Neethimandram, Tirunelveli, and enlarge him on bail pending disposal of the criminal appeal.

For Petitioner : Mr.Kathirvelu
Standing Counsel



CrI.M.P.(MD) No.7339 of 2024

for M/s.K.Prabhu

For Respondents: Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

ORDER

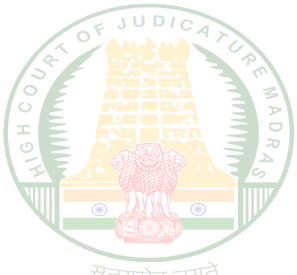
[Order of the Court was made by **A.D.JAGADISH CHANDIRA, J.**]

Seeking to suspend the sentence imposed on the petitioner by the learned Sessions Judge, Mahilar Neethimandram, Tirunelveli, *vide* Judgment dated 28.07.2023 in S.C.No.557 of 2021, he has filed this criminal miscellaneous petition.

2.The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
Section 302 of I.P.C.	life imprisonment	Rs.10,000/- i/d to undergo six months simple imprisonment
Section 294(b) of I.P.C	one month Rigorous imprisonment	Rs.500/- i/d to undergo one week simple imprisonment
Section 4 of Tamil Nadu Prohibition of Harassment of Women Act	six months rigorous imprisonment	Rs.10,000/- i/d to undergo three months simple imprisonment

3.The case of the prosecution is that there is a pathway dispute between the petitioner's family and the deceased's family, and on 13.01.2021, at about 05.30 a.m., the deceased Parvathi along with her daughter Lavakumari/P.W.2 went to P.W.4's house for collecting cow dung, at that time, all the accused waylaid the deceased and



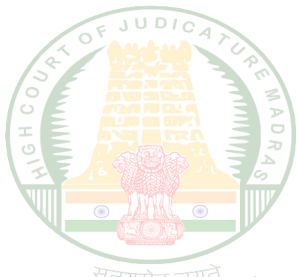
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the petitioner attacked the deceased with iron rod on the head, causing a head injury, which resulted in her death.

4.Learned counsel for the petitioner would submit that the alleged occurrence is said to have taken place on 13.01.2021 at about 5.30 a.m., and the complaint is said to have been given at 07.00 a.m. However, the complaint reached the Court only at 01.00 p.m., with delay of 6 hours. Further, the presence of P.W.2., who is said to be ocular witnesses at the scene of occurrence is also doubtful. Though the complaint is said to have given at 07.00 a.m., P.W.1/husband of the deceased had during his cross examination, deposed that the sniffer dog arrived at 07.15 p.m. In the said circumstances, it is evident that P.W.1 was not certain about the identity of the accused at the relevant time. He would further submit that even according to the prosecution, the alleged occurrence took place during a quarrel, and that an iron rod was used in the incident. Further, there are several arguable points and the appeal is of year 2024 and the petitioner convicted on 28.07.2023 and he is in custody more than 2 years 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.Learned Additional Public Prosecutor appearing for the respondent/ Police, would submit that during the quarrel, the petitioner had assaulted the deceased with iron rod on her head and thereby, she sustained injuries and died thereby, he would



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vehemently oppose for grant of bail to the petitioner.

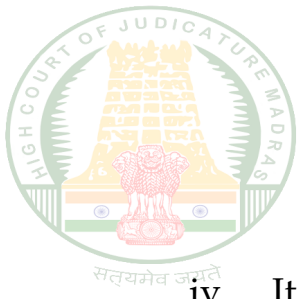
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6. Heard the learned counsel on either side and perused the materials available on record.

7. Having gone through the records and taking into consideration the facts and circumstances of the case, 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 Sessions Judge, Mahilar Neethimandaram, Tirunelveli.
- 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 Trichy and report before the Cantonment Police Station, Trichy, daily at 10.30 a.m., until further orders.



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iv. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent Police Station until further orders.

sd/-
11/08/2025

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13/08/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg
TO

- 1 THE SESSIONS JUDGE, MAHILAR NEETHIMANDRAM, TIRUNELVELI.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 3 THE INSPECTOR OF POLICE, MANUR POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE, CANTONMENT POLICE STATION, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.PRABHU, Advocate (SR-8668[I] dated 11/08/2025)

ORDER
IN
Crl.M.P.(MD) No.7339 of 2024
in
Crl.A.(MD) No.612 of 2024
Date :11/08/2025

NBF/SAR- /13/08/2025/ 5P/7C

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