



CRL MP(MD) No.6693 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED: 24/06/2025

PRESENT

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

CRL MP(MD) No.6693 of 2024
IN
CRL A(MD) No.274 of 2023

1 ALANKARAKUMAR @ RAMESH

... PETITIONER

Vs

1 THE INSPECTOR OF POLICE
KARIYAPATTI POLICE STATION, VIRUDHUNAGAR
DISTRICT.

... RESPONDENT(S)

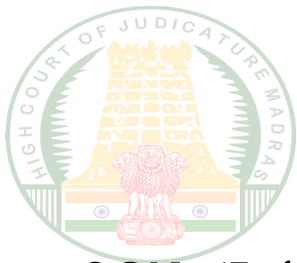
For Petitioner(s) :M/s.G.Karuppusamy Pandiyan.

For Respondent(s) :M/s.B.Nambi Selvan,
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 Additional
District and Sessions Judge, Virudhunagar, vide Judgment dated 17.02.2023 in



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S.C.No.67 of 2018, he has filed this criminal miscellaneous petition.

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2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
302 I.P.C.	To undergo life imprisonment	Rs.10,000/- i/d to undergo six months rigorous imprisonment
307 I.P.C	Ten years rigorous imprisonment	Rs.10,000/- i/d to undergo six months rigorous imprisonment
The Sentences shall run concurrently		

3. The case of the prosecution is that A1 and the deceased were building contractors. P.W.1 is an injured eye witness who was working as mason. There was some quarrel between the deceased and the petitioner regarding the non payment wages for construction of work and hence on 24.08.2017 at about 11.50 pm., the petitioner herein attacked the deceased and P.W.1 with sickle, due to which the the deceased died and P.W.1 sustained injuries . Hence the complaint.

4.The learned counsel appearing for the petitioner would submit that the trial Court had failed to take into consideration the discrepancy with regard to the intimation about the occurrence to the police. Though P.W.1 is said to be the first

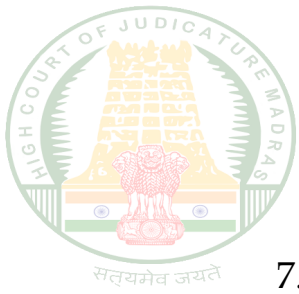


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person who gave a complaint, he in his cross-examination had admitted that the Inspector of Police had examined him only after two days and only during that time he was able to give full information about the case. The learned counsel further submitted that the trial Court, taking into consideration of the discrepancy in the evidence, has acquitted the second accused. The occurrence is said to have taken place in the wee hours and the medical evidence does not tally with the ocular evidence and there are other several arguable points. Therefore, he prayed for suspension of sentence.

5.The learned Additional Public Prosecutor appearing for the respondent – Police, has filed a detailed counter and stated that P.W.1 is an injured witness and only based on the intimation from the hospital, the case has been registered. The infirmities pointed out by the petitioner does not affect the case of the prosecution in any manner and thereby he would vehemently oppose for grant of bail to the petitioner.

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



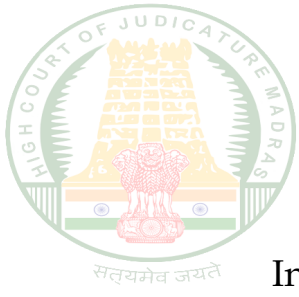
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7. It is an application of suspension of sentence. We would not propose to delve deep into the evidence at this stage. The appeal is of the year 2023 and the petitioner is in prison for more than two years. Further the likelihood of the appeal being taken up for final hearing in the near future is also not possible. 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.

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 Judicial Magistrate No.II, Virudhunagar.
- 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 Dharmapurai and report before the



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Inspector of Police, Dharmapuri Town Police Station, daily at 10.30 a.m., until 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/-
24/06/2025

/ TRUE COPY /

24/06/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1.THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR DISTRICT.

2.THE JUDICIAL MAGISTRATE, NO.II,
VIRUDHUNAGAR DISTRICT.

3.THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.



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4.THE INSPECTOR OF POLICE
KARIYAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

5.THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

6.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO

THE INSPECTOR OF POLICE
DHARMAPURI TOWN POLICE STATION,
DHARMAPURI.

+1 CC to M/s.G.KARUPPASAMY PANDIYAN, Advocate (SR-6705[I] dated 24/06/2025)

ORDER IN
CRL MP(MD) No.6693 of 2024 IN
CRL A(MD) No.274 of 2023
Date :24/06/2025

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