



CRL MP(MD) NO. 6988 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01-07-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

CRL MP(MD) NO. 6988 of 2024

in

CrI.A(MD)No.584 of 2024

Manikandan

Petitioner

Vs

The Inspector of Police
Thiruvonam Police station, Thanjavur District.
Crime No. 22/2018

Respondent

For Petitioner(s):

Mr.V.Dinesh Kumar
for M/s.Subash Law Office

For Respondent(s):

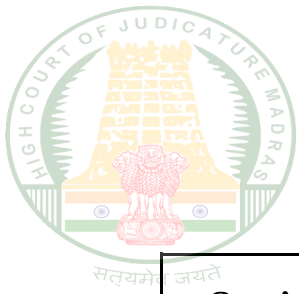
Mr.S.Ravi
Additional Public Prosecutor

ORDER

(Order of the Court was made by the Hon'ble A.D.JAGADISH CHANDIRA J.)

Seeking to suspend the sentence imposed on the petitioner by the learned II Additional District and Sessions Judge, Thanjavur , *vide* Judgment dated 25.04.2024 in S.C.No.123 of 2019, he has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:



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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 simple imprisonment

3. The case of the prosecution is that the deceased Arivalagan, P.W.2 Kumaresan and P.W.3 Balamurugan are close friends. All the four persons were doing agriculture coolie work. The petitioner/appellant used to threaten the deceased by saying that he should go to work wherever he instructed. While being so, on 04.02.2018 at about 04.00 p.m., the petitioner/appellant, P.W.2, P.W.3 and deceased went to Coconut grove which belongs to Muthuvel situated under the Enathi Bridge for the purpose of consuming alcohol. Subsequently, the deceased and the appellant went to purchase liquor and returned back to grove. At that time, the petitioner and the deceased started a wordy quarrel and assaulted each other with hands, suddenly, the petitioner caught hold of the shirt of the deceased and pushed him to the ground, due to which, he sustained head injury. Immediately, P.W.4 poured water on the face of the deceased, however he did not wakeup. Thereafter, P.W.2 and P.W.3 taken the deceased to the Government Hospital, Enathi by bike. The doctor informed that the deceased is in serious condition and referred



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to admit in the Government Hospital, Pattukottai. P.W.2 informed the incident to P.W.1 who is deceased father, subsequently they hired a car and taken the deceased to the Government Hospital, Pattukottai on the way, the deceased left his last breath. Hence the case.

4. The Learned counsel appearing for the petitioner would submit that even as per the prosecution, the alleged offence is said to have taken place during wordy altercation when the deceased and the accused were in an inebriated condition. There was absolutely no intention on the part of the accused to commit murder of the deceased and the overt act attributed against the accused is that the accused said to have pushed the deceased and due to which, he fell down and sustained injuries on the head and died. He would further submit that apart from P.W.2 evidence, one Balamurugan was also stated to be present in the scene of occurrence, but the prosecution has failed to examine the said Balamurugan, thereby, creating doubt in the case of the prosecution as who was the aggressor in the occurrence. Apart from that, there are several arguable points and the appeal is of year 2024 and the petitioner is the custody from the date of judgment 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.*



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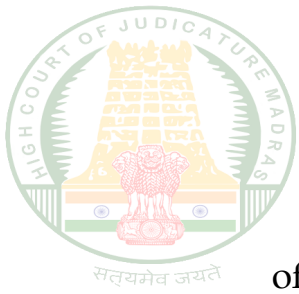
5. The learned Additional Public Prosecutor appearing for the respondent – Police, would submit that the petitioner during the quarrel pushed the deceased due to which he fell down and sustained head injuries and later died and he would vehemently oppose for grant of bail to the petitioner.

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

7. It is an application of suspension of sentence. 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.

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, Orathanadu.
- ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and (*) **the concerned Court** may obtain a copy



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of their Aadhar card or Bank passbook to ensure their identity.

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iii. The petitioner shall stay at Solavanthan and report before the Inspector of Police, Solavanthan 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/-
01/07/2025

**(*)CORRECTED AS PER THE
ORDER OF THIS HON'BLE COURT
IN CRL MP(MD) No.6988 of 2024
DATED 11/07/2025 BY ADJCJ
AND RPJ.**

/ TRUE COPY /

16/07/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

am
TO

**TO BE SUBSTITUTED WITH THE ORDER DATED 01/07/2025 ALREADY
DESPATCHED.**

- 1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, THANJAVUR.
- 2 THE JUDICIAL MAGISTRATE, ORATHANADU.
- 3 THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR DISTRICT.



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4. The Inspector of Police
Thiruvonam Police station, Thanjavur District.

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

COPY TO:

The Inspector of Police, Solavanthan Police Station,
Madurai District.

+1 CC to M/s.M/S.SUBASH LAW OFFICE, Advocate (SR-6994[I] dated
01/07/2025)

ORDER
IN
CRL MP(MD) NO. 6988 of 2024
in
CrI.A(MD)No.584 of 2024
Date :01/07/2025

ns

NBF/02.07.2025 6P/8C

MK/02.07.2025 6P/8C

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