



CRL.MP(MD)No.7315 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED : 19.08.2025

CORAM:

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

CRL.MP(MD)No.7315 of 2025
in
CRL.A(MD)No.367 of 2025

1.Arulraj
2. Thamarai @ Thamaraiselvan
3. Sundar

... Petitioners

vs.

State of Tamil Nadu represented by
The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.
(Crime No.69 of 2018)

... Respondent

Petition filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed by the learned IV Additional District and Sessions Court, Tirunelveli District, in S.C.No.196 of 2019 dated 10.02.2025 and enlarge the petitioners on bail pending disposal of the above criminal appeal.

For Petitioners : Mr.S.Kathirvelu, Senior Counsel for
Mr.K.Prabhu

For Respondent : Mr.S.Ravi
Additional Public Prosecutor



CRL.MP(MD)No.7315 of 2025

ORDER

WEB COPY

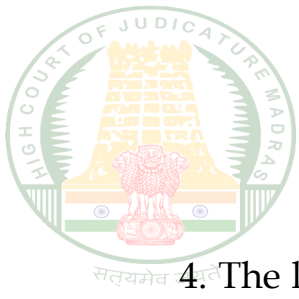
[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

Seeking to suspend the sentence imposed on the petitioners by the learned IV Additional District and Sessions Court, Tirunelveli, in S.C.No.196 of 2019 dated 10.02.2025, they have filed this criminal miscellaneous petition.

2. The petitioners stand convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
302 IPC	To undergo life imprisonment	Rs.1,000/- in default to undergo 2 months simple imprisonment

3. The case of the prosecution is that the 1st petitioner/ A1 was working under the deceased and he had borrowed Rs.30,000/- from the deceased. A1 repaid Rs.10,000/-. When the deceased demanded the balance debt, A1 entered into a criminal conspiracy with A2 and A3. In furtherance of the common intention, A1 to A3 trespassed into the garden land of the deceased and A1 and A2 stabbed the deceased with knife and A3 assaulted the deceased with sickle and caused injuries, due to which, the deceased died on the spot.



CRL.MP(MD)No.7315 of 2025

WEB COPY

4. The learned Senior Counsel appearing for the petitioners would submit that A1 was grievously injured by the deceased and he was admitted in the hospital and based on the statement recorded from A1, a case in Crime No.70/2018 for the offences under Sections 294(b), 307 and 506(ii) IPC was registered against the deceased. The respondent/Police did not conduct a proper investigation with regard to the said case. Though A1 had sustained grievous injuries, PW1 to PW3 have not spoken about the injuries sustained by A1 which creates a doubt over the testimony of PW1 to PW3. The records in Crime No.70/2018 were summoned by the Court and they were perused by the learned trial Judge. He would further submit that when there is no proper explanation with regard to the injuries sustained by the accused, it creates a doubt with regard to the genesis of the prosecution case. The learned Senior Counsel would further submit that the incident is said to have taken place on 05.04.2018 and the petitioners were on bail during trial and they had not misused the liberty granted to them and that likelihood of the appeal being taken up for final disposal in the near future is not possible. Thus, he would pray for suspension of sentence of the petitioners.

5. The respondent – Police has filed a detailed counter affidavit.

6. Learned Additional Public Prosecutor appearing for the respondent – Police would submit that since the deceased who was the accused in Crime No.70/2018



CRL.MP(MD)No.7315 of 2025

WEB COPY

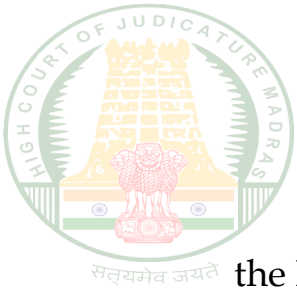
passed away, no further investigation was done and he would also submit that the occurrence in Crime No.70/2018 is said to have happened at 07.30 p.m and the occurrence in Crime No.69/2018 happened at 07.45 p.m in front of the house of the deceased, thereby, he would object for grant of suspension of sentence to the petitioner.

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

8. 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 petitioners.

9. Accordingly, the criminal miscellaneous petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioners herein is suspended, subject to the following conditions:

- i. The petitioners are directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of



CRL.MP(MD)No.7315 of 2025

WEB COPY

the learned IV Additional District and Sessions Court, 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 petitioners shall stay at Nagapattinam and report before Nagapattinam Town Police Station daily at 10.30 a.m.

iv. The petitioners shall not enter into the jurisdictional limits of the respondent/Police.

sd/-
19/08/2025

/ TRUE COPY /

19/08/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

bala
To

1. The IV Additional District and Sessions Judge,
Tirunelveli.

2. The Judicial Magistrate, Cheranmahadevi.

3. Do Through The Chief Judicial Magistrate, Tirunelveli.

4. The Superintendent,
Central Prison,

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



CRL.MP(MD)No.7315 of 2025

Palayamkottai.

WEB COPY

5. The Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam District.

6. The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.

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

ORDER
IN
CRL MP(MD) No.7315 of 2025
IN
CRL.A(MD)No.367 of 2025
Date :19/08/2025

HPS/19.08.2025 6P/8C

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