



CRL MP(MD) No. 7480 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED:11.08.2025

CORAM

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

**CRL MP(MD) No. 7480 of 2025
in
Crl.A(MD)No.1074 of 2024**

Moorthy @ Kathiresh

..... Petitioner

Vs

**The Inspector of Police
Pattukottai Town Police Station,
Thanjavur District**

....Respondent

Prayer: Petition filed under Section 430 (2) of B.N.S.S to enlarge the petitioner on bail by suspending the sentence imposed on him in S.C.No.112 of 2018 on the file of the III Additional District and Sessions Judge, Thanjavur at Pattukottai by judgment dated 14.09.2022.

For Petitioner : Mr.D.R.Murugesan

**For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor**



CRL MP(MD) No. 7480 of 2025

WEB COPY

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 III Additional District and Sessions Judge, Thanjavur at Pattukottai, *vide* Judgment dated 14.09.2022 in S.C.No.112 of 2018, he has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
294(b) of IPC	Three months simple imprisonment	Rs.500/- i/d to under go one month simple imprisonment
302 IPC r/w.34 of IPC	Life Imprisonment	Rs.10,000/- i/d to undergo six months simple imprisonment-
The sentences shall run concurrently		

3. The son of the deceased eloped with one Lavanya who is the daughter of A1 and on 27.07.2017 an information was received that they both returned to the house of the deceased. It is the case of the prosecution that A2/petitioner herein entered into a quarrel with the deceased on that day and thereafter on the next day the



CRL MP(MD) No. 7480 of 2025

WEB COPY

accused persons had come to the house of the deceased and had abused him and also attacked him, thereby the deceased sustained injuries and on the way to hospital he succumbed. Hence the case.

4. The learned Counsel appearing for the petitioner would submit that the alleged occurrence said to have taken place on 28.07.2017 and initially a case was registered for the offences under Sections 294(b) and 324 of IPC and subsequently the victim had died on 07.08.2017 and thereby the case was altered to offences under Sections 294(b) and 302 r/w.34 of IPC. The petitioner is aged about 30 years and no specific overt act has been attributed as against him. The overt act attributed as against him is that he assaulted P.W.1 with wooden log. He would further submit that even as per the prosecution he had not inflicted injuries on the deceased. Though the petitioner is said to have assaulted P.W.1 with wooden log, there is no corresponding injuries to the said overt act. The victim was admitted in the hospital on 28.07.2014 and died on 07.08. 2017 and the case sheet regarding the treatment given to the victim was also not marked. The petitioner is in custody for more than three years and apart from that, there are several arguable points and the appeal is of year 2024 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



CRL MP(MD) No. 7480 of 2025

suspension of sentence.

WEB COPY

5. The learned Additional Public Prosecutor appearing for the respondent – Police, would submit that the accused persons on 28.07.2017 had come to the house of the deceased and had abused him and also attacked him, thereby the deceased sustained injuries and he succumbed to the injuries on 07.08.2017 while he was taking treatment in the hospital, 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.

7. It is an application of suspension of sentence. Though the petitioner has been charged for offence under Section 302 r/w. 34 of IPC the overt act attributed to him is that he had assaulted P.W.1 with wooden log during the incident. 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.



CRL MP(MD) No. 7480 of 2025

WEB COPY

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 III Additional District and Sessions Judge, Thanjavur at Pattukottai
- 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 report before the learned III Additional District and Sessions Judge, Thanjavur at Pattukottai on the first working of every English calendar month at 10.30 a.m., until further orders.

sd/-
11/08/2025

/ TRUE COPY /

/08/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL MP(MD) No. 7480 of 2025

WEB COPY
TO

1 THE III ADDITIONAL DISTRICT AND
SESSIONS JUDGE,
THANJAVUR AT PATTUKKOTAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON,
TIRUCHIRAPPALLI.

3 THE INSPECTOR OF POLICE,
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.

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

+1. C.C. to D.R. MURUGESAN Advocate SR.No.8679 (I) DT.11/08/2025

ORDER
IN
CRL MP(MD) No.7480 of 2025
IN
CRL A(MD) No.1074 of 2024
Date :11/08/2025

NM/13.08.2025/ 6P/5C

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