



CRL MP(MD) No.6812 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Thirtieth day of June Two Thousand and Twenty Five

PRESENT

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

CRL MP(MD) No.6812 of 2024

IN

CRL A(MD) No.579 of 2024

ANBU ROSE @ ANBUROJ
S/O.GANAPATHY, R.C STREET, INDIRA COLONY,
MAATHUR, WATRAP TALUK, VIRUDHUNAGAR DISTRICT.
NOW CONFINED AT MADURAI CENTRAL PRISON, MADURAI.

... PETITIONER(S)

Vs

THE INSPECTOR OF POLICE
WATRAP POLICE STATION, VIRUDHUNAGAR DISTRICT.
CR.NO.139/2015

... RESPONDENT(S)

For Petitioner: M/s.G.KARUPPASAMY PANDIYAN, Advocate
For Respondent: Mr.B.Nambi Selvan, Additional Public Prosecutor

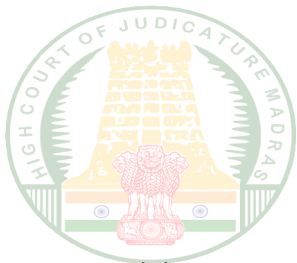
ORDER

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

Seeking to suspend the sentence imposed on the petitioner by the learned
Additional District and Sessions Judge, Srivilliputhur , vide Judgment dated

13.10.2023 in S.C.No.213 of 2015 2023, he has filed this criminal miscellaneous

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



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petition.

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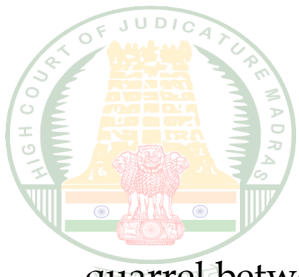
2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
302 I.P.C.	To undergo life imprisonment	Rs.1000/- i/d to under go three month simple imprisonment

3. The case of the prosecution is that the deceased Ganesan is the husband of P.W.1 who was engaged in the business of supplying sand to construction sites by using bullock cart and he had been supplying sand to the accused who was constructing his new residential house in the village. On 19.05.2015 at about 6.30 pm., the deceased was having a talk with his friends near the R.C church junction, and at that time the accused had come near that area and when the deceased had questioned the same why he was not supplying the sand to the construction site property, during such time there was a wordy quarrel and the accused abused the deceased in filthy language and took out the knife and stabbed him on the left side of the stomach resulting in him sustaining injuries. The victim was taken to Government Rajaji Hospital, Madurai where he was declared brought dead. 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 committed during verbal

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quarrel between the petitioner and the deceased. P.W.4 had admitted that there was a quarrel and during such time, the incident had occurred and it is not a case of pre-meditation and the exaggerated version of P.W.1 and P.W.2 cannot be believed since as per the evidence of P.W.4, P.W.1 and P.W.2 are said to have come to the place of occurrence only after the occurrence. Further even assuming for a moment without admitting, the learned counsel appearing for the petitioner would submit that it would only be a case of single stab without any pre-meditation and it would also fall within exemption to Section 399 of IPC and 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.

5. The learned Additional Public Prosecutor appearing for the respondent – Police, would submit that there are four ocular witnesses and even as per the prosecution the accused had taken knife and had gone to the place of occurrence and committed murder by inflicting injuries in the stomach. He would further submit that though it is a single stab the injury is found in the vital part 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



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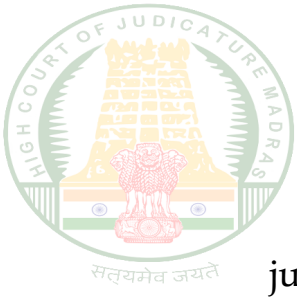
on record.

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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. 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 Additional District and Sessions Judge, Srivilliputhur.
- 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 Nagapattinam and report before the Inspector of Police, Nagapattinam 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



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jurisdictional limits of the respondent Police Station until further orders.

sd/-
30/06/2025

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30/06/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, SRIVILLIPUTHUR.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE, NAGAPATTINAM TOWN POLICE STATION.
- 4 THE INSPECTOR OF POLICE, WATRAP POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS
HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.6812 of 2024
IN
CRL A(MD) No.579 of 2024
Date :30/06/2025

NBF/30.06.2025 5P/6C

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