



CRL MP(MD) No. 7418 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED:02.07.2025

CORAM

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

CRL MP(MD) No. 7418 of 2024
in
CrI.A(MD)No.620 of 2024

Viji @ Vijayaram

..... Petitioner

Vs

The Inspector of Police
Bodi Town Police Station,
Theni District

..... Respondent

Prayer: Petition filed under Section 389 (1) of Cr.P.C to suspend the sentence imposed on the petitioner by the Mahila Fast Track Court, Theni by its judgment in S.C.No.44 of 2014 dated 09.02.2024 and enlarge him on bail pending disposal of the Criminal Appeal.

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondent : Mr.S.Ravi
Additional Public Prosecutor



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ORDER

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

Seeking to suspend the sentence imposed on the petitioner by the Fast Track Mahila Court, Theni , vide Judgment dated 09.02.2024 in S.C.No.44 of 2014, he has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
307 I.P.C(2 counts)	To undergo 10 years rigorous imprisonment	Rs.10,000/- i/d to undergo six month simple imprisonment

3. The first occurrence is the deceased Soundarya who is the daughter of the P.W.1 was found dead at the house of Geetha who is the neighbour of PW1. The second occurrence is that the first accused and the said Geetha went to the P.W.1's house at about 7.00PM on the same day and gave poison to her son namely Krishna Kubedran who is the P.W.4 herein by mixing it in Payasam. The P.W.4 had intake some portion of Payasam and got fainted. Following to the same, P.W.1 had tasted the Payasam and spit on the floor as it is poisonous. In the meantime the accused brandishing a knife had threatened P.W.1 to consume Payasam. Immediately she



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raised alarm and the husband of P.W.1 rushed there to rescue her and on seeing him the accused persons fled away from the occurrence place. Hence the case.

4. The learned counsel appearing for the petitioner would submit that though P.W.1 has spoken about the presence of petitioner along with the other accused her evidence cannot be believed, since the other witnesses have not spoken about the presence of the petitioner at the relevant point. Though the trial court had relied on the evidence of P.W.5 who has spoken about the presence of the petitioner, P.W.1 to P.W.4 have not spelt about the presence of P.W.5 at the time of occurrence. In such circumstances, the evidence of P.W.5 has to be rejected. Though P.W.9 has spoken about the alleged conspiracy on 10.06.2013 he has not spoken about the same to any one till the date of occurrence and thereby the trial Court also disbelieved him. He would further submit that the petitioner has been convicted for 10 years and he is in custody from 09.02.2024 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 suspension of sentence.

5. The respondent has filed a counter. The learned Additional Public



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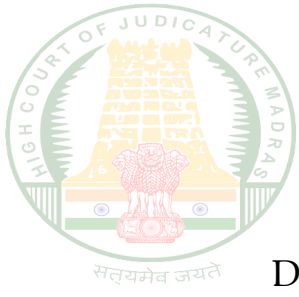
Prosecutor appearing for the respondent – Police, would submit that there is categorical evidence of P.W.1 about the presence of petitioner and further threatening her to consume poison, thereby, he would vehemently oppose for grant of bail to the petitioner.

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

7. It is an application of suspension of sentence. 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 District Munsif cum Judicial Magistrate, Bodinayakanur, Theni



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District

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- 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 Chidambaram and report before the Inspector of Police, Chidambaram 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/-
02/07/2025

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07/07/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

- 1.THE FAST TRACK MAHILA COURT, THENI DISTRICT.
- 2.THE DISTRICT CUM JUDICIAL MAGISTRATE,
BODINAYAKANUR, THENI DISTRICT.



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3.THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

4.THE INSPECTOR OF POLICE,
BODI TOWN POLICE STATION, THENI DISTRICT.

5.THE INSPECTOR OF POLICE
CHIDAMBARAM TOWN POLICE STATION.

6.THE SUPERINTEDENT,
CENTRAL PRISON, MADURAI DISTRICT.

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

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-7081[I] dated 03/07/2025)

ORDER
IN

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Date :02/07/2025

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