



CRL MP(MD) NO. 6935 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08-07-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

CRL MP(MD) NO. 6935 of 2024

IN

CRL A(MD).No.963 of 2023

Tamilselvam

S/o.Subbiah, No.2/273, Muniyandi Kovil Street,
Sakhimangalam, Madurai East Taluk, Madurai District -
625201.

Petitioner(s)

Vs

The Inspector of Police
Silaiman Police Station, Madurai District. Cr.No.63/2015

Respondent(s)

Prayer: This petition is filed under Section 389(1) Cr.P.C., praying to suspend the sentence imposed on the petitioner by the judgment dated 11.09.2023 made in S.C.No.567 of 2016 by the IV Additional District Sessions Judge, Madurai and enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner(s):

Ms.Muthu Saravanan.C
Selvakumar.C
Vinayagamani.S

For Respondent(s): Mr.B.Nambi Selvan

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/ A1 by the IV Additional District Sessions Judge, Madurai, *vide* Judgment dated 11.09.2023 in S.C.No.567 of 2016, he has filed this criminal miscellaneous petition.

2.The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
Section 302 of I.P.C.	To undergo Life imprisonment	Rs.10,000/-, in default to undergo one year simple imprisonment

3.The case of the prosecution is that P.W.1 Thiru.Veeramani is son of the deceased Karupasamy. A11 Muniyasamy was the former Karcherry Village Panchayat President. During the election in the year 2011, A11 was defeated and the father of P.W.1 Karuppasamy was elected as Karcherry Panchayat President and hence, there was motive between the deceased Karuppasamy and A1 Muniyasamy. At this juncture, A1 Tamilselvam



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constructed the house encroaching the road. Hence, the people of the Village has given a complaint to the Panchayat President Thiru.Karupasamy. In the mean time A1 Tamilselvam filed the writ petition before this Court and the same was dismissed. Hence, the revenue officials have taken action thereby removed the encroachment area by demolishing the building constructed in the road on 26.02.20215. In view that motive, on 27.07.2015 all the accused 1 to 12 unlawfully assembled with deadly weapons near the Murugan Temple and attacked the deceased. Hence, P.W.1, P.W.2, P.W.3 and other witnesses Ayyammal, Janarthanan rushed to the spot, at that time A1 Tamilselvam threatened the witnesses with dire consequences. P.W.4 Thiru.Thandeeshwaran, who is also the another son of the deceased, called the Apollo Hospital Ambulance and immediately the injured was taken to Apollo Hospital, Madurai where he was under treatment. At that time as per the requisition of the duty medical officer, P.W.18 Tmt.Mareeswari, Judicial Magistrate went to the Apollo Hospital by 20.00 hours, where Dying Declaration was recorded in the presence of Dr.Mannan Rajan. The Dying Declaration is marked as Ex.P29. P.W.1 lodged the complaint at 23.30 hours which is marked as Ex.P1. Further, on the next day on 28.02.2015 at early morning hours the injured Karupasamy died.



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4.Learned counsel for the petitioner would submit that the first document which came into existence is the dying declaration/Ex.P.29, which has been recorded by the Judicial Magistrate No.VI, Madurai on 27.02.2015. In the dying declaration, the deceased has not spoken about the presence of the petitioner at the time of occurrence. Further the deceased at the time of dying declaration has also specifically stated that no one else was present at the relevant time when he was assaulted and it has also been confirmed by the Magistrate-P.W.18, who has recorded the dying declaration during her evidence in Court. He further submitted that when the deceased himself had stated that there was no one else present in the scene of occurrence, the evidence of the alleged eye witness is doubtful. He further submitted that the trial Court, taking into consideration the discrepancies, acquitted A2, A4 and A12 and this Court had suspended the sentence of the other accused viz., A6, A7, A8, A9, A10 and A11. Hence, he prays for suspension of sentence.

5.Learned Additional Public Prosecutor appearing for the respondent Police would submit that P.W.1's evidence is categoric to the presence of the accused and the overt act attributed against him. He further submitted that the ocular evidence



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also corroborated by the medical evidence and hence, he would vehemently oppose the

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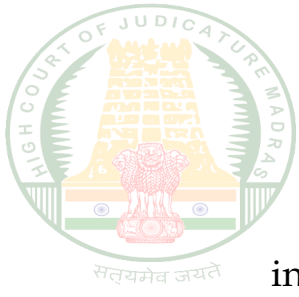
grant of suspension of sentence.

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 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 interim 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 IV Additional District Sessions, Madurai.
- ii. The sureties shall affix their photographs and Left Thumb Impression



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in the surety bond and the concerned Court may obtain a copy of their Aadhar card or Bank passbook to ensure their identity.

iii. The petitioner shall stay at Vellore District and report before the Inspector of Police, Adukkamparai 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/-
08/07/2025

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

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TO

1 THE IV ADDITIONAL DISTRICT SESSIONS JUDGE,
MADURAI.

2 THE INSPECTOR OF POLICE
SILAIMAN POLICE STATION,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
ADDUKKAMPARAI POLICE STATION,



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VELLORE DISTRICT.

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4 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

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

+1. C.C. to MS. MUTHU SARAVANAN.C Advocate SR.No.7250 (I) DT.08/07/2025

ORDER

IN

CRL MP(MD) No.6935 of 2024

IN

CRL A(MD) No.963 of 2023

Date :08/07/2025

NM/11.07.2025/ 7P/7C

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