



CrI.M.P.(MD) No.7311 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
DATED:16-06-2025
PRESENT

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

CrI.M.P.(MD) No.7311 of 2024
in
CrI.A.(MD) No.606 of 2024

TAMIZHARASAN
S/O.NATARAJAN,

... PETITIONER(S)

Vs

THE INSPECTOR OF POLICE
GANESH NAGAR POLICE STATION,
PUDUKOTTAI DISTRICT

... RESPONDENT(S)

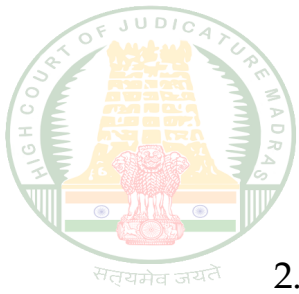
For Petitioner(s) : Mr.G.Karuppasamy Pandiyan, Advocate

For Respondent(s) : 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 Principal District and Sessions Judge, Pudukottai, *vide* Judgment dated 07.09.2023 in S.C.No.37 of 2021, he has filed this criminal miscellaneous petition.



Crl.M.P.(MD) No.7311 of 2024

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 on 17.05.2020 at about 12.00 pm., the petitioner took the deceased Thanesh Kumar to Balu Auto Carriage at Thirukkalaïroad, Pudukottai, where they consumed alcohol jointly due to which there was a quarrel between them. Subsequently the petitioner attacked the deceased using broken liquor bottle and also put the stone on the head and the deceased died in the occurrence place. Hence the complaint.

4. The Learned counsel appearing for the petitioner would submit that admittedly even as per P.W.1., the father of the deceased there was existing enmity between his son and the petitioner and in such circumstances the possibility of deceased accompanying the petitioner is doubtful. Further the presence of P.W.2., who is said to be ocular witnesses at the scene of occurrence is also doubtful, in view of the fact that he has not attempted to intervene and that he has also not made any complaint to the police station immediately and further admittedly even as per P.W.1 and P.W.7 the police were stated to be present at the scene of occurrence at 1.30



Crl.M.P.(MD) No.7311 of 2024

pm, even prior to the registration of the First Information Report. Further 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.

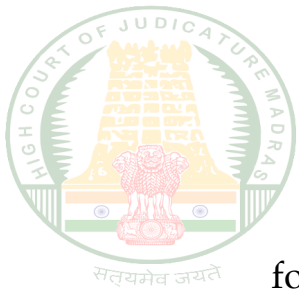
5. The learned Additional Public Prosecutor appearing for the respondent – Police, has filed a detailed counter and stated that due to previous enmity the petitioner had taken the deceased under the guise of taking liquor wherein during quarrel the petitioner had inflicted multiple injuries with beer bottle resulting in his death 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



Crl.M.P.(MD) No.7311 of 2024

WEB COPY

for Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Pudukottai.

- 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 Salem and report before the Inspector of Police, Fairlands Police Station, Salem 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/-
16/06/2025

/ TRUE COPY /

/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO
1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
PUDUKKOTTAI.



Crl.M.P.(MD) No.7311 of 2024

WEB COPY

2 THE INSPECTOR OF POLICE,
GANESH NAGAR POLICE STATION,
PUDUKOTTAI DISTRICT.

3 THE SUPERINTENDENT CENTRAL PRISON,
TRICHY.

4 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI.

COPY TO:
THE INSPECTOR OF POLICE,
FAIRLANDS POLICE STATION,
SALEM.

+1. C.C. to M/S. KARUPPASAMY PANDIYAN.G Advocate SR.No.6365 (I)
DT.17/06/2025

ORDER
IN
Crl.M.P.(MD) No.7311 of 2024
in
Crl.A.(MD) No.606 of 2024
Date :16/06/2025

NM/18.06.2025 5P/7C

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