

Crl.M.P(MD).No.7161 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 13.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MRS.JUSTICE L. VICTORIA GOWRI

Crl.M.P(MD).No.7161 of 2024 in
Crl.A(MD).No.597 of 2024

Pandi

... Petitioner

vs.

State rep. by
The Deputy Superintendent of Police,
Tiruchendur Sub Division,
Tiruchendur Kovil Police Station,
(Crime No.234 of 2016)

... Respondents

PRAYER: Petition filed under Section 389(2) of Cr.P.C., to suspend the sentence imposed by the Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi in Sessions Case No.8 of 2020, dated 06.06.2024.

For Petitioner : Mr.A.Robinson

For Respondents : Mr.N. 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 by the Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi vide Judgement, dated 06.06.2024 in Sessions Case No.8 of 2020, he has filed this Criminal Miscellaneous Petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
452 IPC	To undergo 7 years of Simple Imprisonment	Rs.5,000/- i/d to undergo six months of Simple imprisonment
302 IPC	To undergo life imprisonment	Rs.5,000/- i/d to undergo six months Simple imprisonment

3. The case of the prosecution is that, on 01.08.2016, the deceased, viz., Jeya was shouting about her missing hens. The accused, under a misconception that she was accusing him, picked up a quarrel with her. Holding a grudge over the incident, later on the same day, at about 9:45 p.m., the accused attempted to attack



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the deceased with a sickle (vettaruval). When the deceased ran into the house of one Vembu to save her life, the accused followed her and indiscriminately attacked her with the sickle, inflicting multiple serious cut injuries, which resulted in her death. Hence, the complaint was lodged.

4. The learned counsel appearing for the petitioner submits that the incident is alleged to have occurred on 01.08.2016 at around 9:45 PM. In order to prove the prosecution's case, witnesses PW1 to PW6 were examined. Except PW1, the husband of the deceased, all other witnesses have turned hostile and they have not supported the case of the prosecution. Furthermore, as per the prosecution, the petitioner is said to have surrendered before the Village Administrative Officer - PW10 and given a confession. However, this alleged confession was suppressed by the respondent police. He further submits that although the incident occurred at 9:45 PM, the complaint was registered only at 11:45 PM on the the same day. The distance between the place of occurrence and the police station is only 1.5 kilometers, but, there was a delay of more than nine hours in the First Information Report reaching the Court. He also submits that the incident occurred during the year 2016, and the accused was on bail during the trial she had not misused the liberty granted to him. There are several arguable points in the appeal, and it is



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unlikely that the appeal will be heard in the near future. Therefore, he prays for
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suspension of sentence.

5. The learned Additional Public Prosecutor appearing for the respondent police submits that though the other witnesses turned hostile, the evidence of PW1 is cogent and reliable. The trial court, after taking into consideration of the evidence of PW1, who witnessed the occurrence had contacted the victim has rightly come to the conclusion and convicted the accused and therefore, he would vehemently opposes the 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.

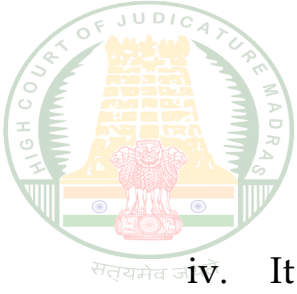


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8. Accordingly, the criminal miscellaneous petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioner herein is suspended, subject to the following conditions:

- 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 Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi.
- 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 Palani and report before the Inspector of Police, Town Police Station, Palani daily at 10.30 a.m., until further orders.



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iv. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent Police Station until further orders.

sd/-
13/08/2025

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18/08/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

trp

To:

1. The Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi.
2. The Deputy Superintendent of Police,
Tiruchendur Sub Division,
Tiruchendur Kovil Police Station.
3. The Superintendent,
Central Prison, Palayamkottai.
4. The Additional Public Prosecutor,
Madurai Bench of Madars High Court, Madurai.



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The Inspector of Police, Town Police Station, Palani.

+1 CC to M/s.A.ROBINSON, Advocate (SR-8786[I] dated 13/08/2025)

ORDER

IN

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Crl.A(MD).No.597 of 2024

Date :13/08/2025

PR/18.08.2025 7P/7C

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