



CRL MP(MD) NO. 7486 of 2024

WEB COPY

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. 7486 of 2024

in

CRL A(MD)No.629 of 2024

Sathishkumar
S/o.Karthikeyan, Salayam Street, Vilathikulam,
Thoothukudi District.

Petitioner(s)

Vs

The Inspector of Police
Vilathikulam Police Station, Thoothukudi District. Crime
no.69 of 2018.

Respondent(s)

Prayer: This petition is filed under Section 389 of Cr.P.C/430 of BNSS, praying to suspend the sentence delivered in SC No.172 of 2019 through a judgment dated 18.06.2024 by the learned I Additional District and Sessions Judge, Thoothukudi District, and enlarge the petitioner on bail.

For Petitioner(s):

Ka.RAAMAKRISHNAN
Lakshmi Parvathi.K
Vignesh.P

For Respondent(s): Mr.A.Thiruvadikumar
Additional Public Prosecutor



CRL MP(MD) NO. 7486 of 2024

WEB COPY

ORDER

(Order of the Court was made by the Hon'ble A.D.JAGADISH CHANDIRA J.)

Seeking to suspend the sentence imposed on the petitioner/A2 by the I Additional District and Sessions Judge, Thoothukudi District, vide Judgment dated 18.06.2024 in SC No.172 of 2019, 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 r/w 34 of I.P.C.	To undergo Life imprisonment	Rs.5,000/- in default to undergo six months simple imprisonment

3.The case of the prosecution is that the deceased and the accused are friends. The deceased Marimuthu and some other youth people belonging to Eleven Star Cricket Club went tour to Kutralam in a vehicle, wherein the second accused stood up and danced, at that time, the deceased shouted hence, there was an enmity between the deceased and the second accused. While so, on 20.05.2018 in the



CRL MP(MD) NO. 7486 of 2024

WEB COPY

morning when A1 and A2 were watching cricket match in the club, the deceased came there and asked A1 and A2 as to why they came there, for which, they replied that the deceased cannot question them, therefore the enmity got aggravated. Thereafter, on the same day, at about 11.00 pm., when the mother of the deceased was asking about his son to other accused, the deceased came there and at that time the accused persons assaulted him with aruval and caused his death. Hence the case.

4. Learned counsel for the petitioner would submit that though the victim was said to have been brought to the hospital on 20.05.2018 at 11.15 p.m., a complaint has been registered only on the next day i.e., on 21.05.2018 after the delay of 25 hours and the FIR has also been registered with the delay of one day. He would further submit that the presence of P.W.1, the mother of the deceased, in the place of occurrence at wee hours is highly doubtful. P.W.1 has only spoken about two injuries, whereas the victim said to have been sustained about 10 injuries and thereby the evidence of P.W.1 is not corroborated with the evidence of the doctor. He would further submit that the weapons are said to have been used as M.O.1 and M.O.2 viz., Palai Aruval, which does not tally with the injuries sustained by the victim. Further, at the time of admission, the victim was found to have consumed alcohol and that he died after 10 days of admission and there is no proper evidence



CRL MP(MD) NO. 7486 of 2024

WEB COPY

as regards to the cause of death. Except P.W.1 and P.W.2, all the other witnesses have not supported the case of the prosecution and they were treated as hostile. Further, there are several arguable points in favour of the petitioner 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.Learned Additional Public Prosecutor appearing for the respondent - Police, on instructions, would submit that the evidence of P.W.1 and P.W.2 are cogent and the petitioner/A2 caused multiple injuries on the victim resulted in his death after 10 days and hence, he vehemently oppose the 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



CRL MP(MD) NO. 7486 of 2024

herein is suspended, subject to the following conditions:

WEB COPY

- 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 Judicial Magistrate, Tuticorin District.
- ii. The sureties shall affix their photographs and Left Thumb Impression 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 Thiruvannamalai and report before the Inspector of Police, Thiruvannamalai 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/-
08/07/2025

/ TRUE COPY /

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



CRL MP(MD) NO. 7486 of 2024

To सत्यमेव जयते

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, THOOTHUKUDI DISTRICT.

2 THE JUDICIAL MAGISTRATE, THOOTHUKUDI.

3 THE CHIEF JUDICIAL MAGISTRATE THOOTHUKUDI DISTRICT.

4 THE INSPECTOR OF POLICE, THIRUVANNAMALAI TOWN POLICE STATION, THIRUVANNAMALAI.

5. The Inspector of Police Vilathikulam Police Station, Thoothukudi District.

6 The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL MP(MD) NO. 7486 of 2024

in

CRL A(MD)No.629 of 2024

Date :08/07/2025

MK/11.07.2025 6P/7C

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