



CRL.MP(MD)No.8132 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2025

CORAM:

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

CRL.MP(MD)No.8132 of 2025
in
CRL.A(MD)No.1095 of 2024

Captain Prabakaran

... Petitioner

vs.

The State Rep. by
Inspector of Police,
Rayappanpatti Police Station,
Theni District.
(Crime No.908/2020)

... Respondent

Petition filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed by the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni, in S.C.No.35 of 2021 dated 09.07.2024 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.K.Karuppaiya Mooppanar

For Respondent : 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 by the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni, in S.C.No.35 of 2021 dated 09.07.2024, he has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
302 IPC	To undergo life imprisonment	Rs.2,000/- in default to undergo one year simple imprisonment

3. The case of the prosecution is that the the deceased and the accused are spouses. The accused used to consume alcohol and assault the deceased often. While so, on 04.01.2020 when the deceased was at home, the accused had come to the home in an inebriated condition and he quarreled with his wife, attacked her and hit in her ear left eye and then hit her head against the wall, thereby there was severe bleeding in her head and she fell down unconscious and died on the way to the hospital.

4. The learned counsel appearing for the petitioner would submit that though

<https://www.mhc.tn.gov.in/judis>



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PW7 and PW8 have been projected as eye witnesses, they have not supported the case of the prosecution and they turned hostile and even as per the prosecution, the alleged occurrence is said to have happened during a quarrel and no weapon was used by the accused and the accused is said to have pushed the victim down, due to which, she fell down and sustained injuries and died. There was no premeditation or motive on the part of the accused to commit the offence. He would submit that the petitioner was convicted in July 2024 and is in incarceration for more than a year and that there are several arguable points in the appeal. Further, during trial, the petitioner was on bail and he had not misused the liberty granted to him and that the petitioner has got a good case on merits. Thus, he would pray for suspension of sentence of the petitioner.

5. The respondent – Police has filed a detailed counter affidavit.

6. Learned Additional Public Prosecutor appearing for the respondent – Police would submit that from the medical evidence and the evidence of PW17-Assistant Director of Forensic Laboratory, the trial Court found that the death of the victim was caused by the petitioner by inflicting bodily injuries and only with the intention to cause death of the victim, the petitioner had hit the victim and inflicted injuries, and



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accordingly, the trial Court had convicted the petitioner, thereby, he would object for
grant of suspension of sentence to the petitioner.

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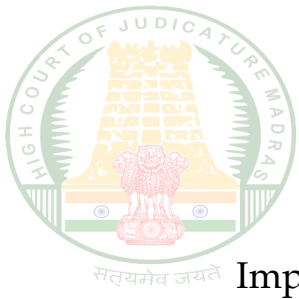
7. Heard the learned counsel on either side and perused the materials available on record.

8. 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 suspension of sentence to the petitioners.

9. 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 Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni.

ii. The sureties shall affix their photographs and Left Thumb



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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 appear before the Trial Court on the first working day of every month at 10.30 a.m., until further orders.

sd/-
19/08/2025

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/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 Sessions Judge,
Mahalir Neethimandram,
Fast Track Mahila Court,
Theni.

2 The Superintendent,
Central Prison, Madurai.

3 The Inspector of Police,
Rayappanpatti Police Station,
Theni District.

4 The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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+1. C.C. to M/s.K.KARUPPAIYAMOOPANAR Advocate SR.No.8943[I] dated
19/08/2025

ORDER
IN
CRL.MP(MD)No.8132 of 2025
in
CRL.A(MD)No.1095 of 2024
Date :19/08/2025

AS/22.08.2025/6P/6C

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