



CRL.A(MD)No.620 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 28.08.2025

CORAM:

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

CRL.MP(MD)Nos.8874 and 10375 of 2025
in
CRL.A(MD)No.620 of 2023

R.Thomas Selvam
Suresh Anthony

... Petitioner in CrI.M.P(MD)No.8874/2025
... Petitioner in CrI.M.P(MD)No.10375/2025
vs.

The State of Tamil Nadu
Represented by
The Inspector of Police,
Dindigul Town South Police Station,
Dindigul District.
(In Crime No.199 of 2017)

... Respondent in both petitions

Petitions filed under Section 430(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed in the judgment made in S.C.No.186 of 2017 on the file of the Additional District and Sessions Judge, Dindigul, dated 09.12.2022 and enlarge the petitioners on bail.

For Petitioner in
CrI.M.P(MD)No.8874/2025 : Mr.C.Mayil Vahana Rajendran
For Petitioner in
CrI.M.P(MD)No.10375/2025: Mr.P.Suresh
For Respondent : Mr.B.Nambi Selvan
Additional Public Prosecutor



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COMMON ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

Seeking to suspend the sentence imposed on the petitioners/A1 & A2 by the learned Additional District and Sessions Judge, Dindigul, vide Judgment dated 09.12.2022 in S.C.No.186 of 2017, they have filed these criminal miscellaneous petitions.

2. The petitioners stand convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
341 of IPC	One month simple imprisonment each	-
506(ii) of IPC	Three months simple imprisonment each	-
302	Life Imprisonment each	Rs.1000/- each i/d to under go three months simple imprisonment
The sentences shall run concurrently		

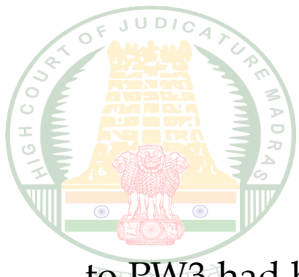


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3. The case of the prosecution is that the deceased Rajkumar is the younger brother of PW1 and there was a civil dispute between the families of PW1 and the accused, due to which, there was enmity between the parties. Pursuant thereto, the accused had conspired together to kill the deceased and on 17.06.2017, when the deceased Rajkumar was returning from his agricultural field, the accused had intercepted him and attacked him. A1 attacked the deceased with sickle on his forehead, back head, shoulder and A2 stabbed the deceased with knife on his chest, right wrist and A3 stabbed him on his left wrist, left elbow and A4 attacked the deceased with a sickle on his right knee. All the accused caused life threat to PW1, PW2 and PW3 who were present in the scene of occurrence and fled away from the scene of occurrence. Thereafter, the deceased was taken to the Government Hospital, Dindigal, and later, he was referred to Madurai Rajaji Government Hospital, where he succumbed to the injuries caused by the accused. Hence the case.

4. The learned counsel appearing for the petitioners would submit that the presence of Pws.1 to 3-brothers of the deceased at the scene of occurrence is doubtful. Admittedly, as per Ex.P12-Accident Register in respect of the deceased, the victim was said to have been taken to the hospital in an 108 Ambulance. If PW1



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to PW3 had been actually present at the scene of occurrence, they would have taken the deceased to the hospital. Further, in the accident register, it has also been stated that the assault was made by two unknown persons. He would further submit that the independent witness PW4 who is said to have witnessed the occurrence, has not supported the case of the prosecution and he has been treated as a hostile witness. The petitioners have been convicted on 09.12.2022 and they are in incarceration for the past two and half years and the likelihood of the appeal being taken up for final hearing is also not in the near future and further, during trial, the petitioners were on bail and had not misused the liberty granted to them. Thus, he would pray for suspension of sentence.

5. The respondent has filed counter affidavit. The learned Additional Public Prosecutor appearing for the respondent – Police, would submit that due to previous enmity, all the accused had conspired together and assaulted the deceased with deadly weapons and caused his death and also caused life threat to PW1 to PW3. He would further submit that the evidence of eye witnesses/PWs.1 to 3 is supported by the evidence of PW10-Doctor who conducted postmortem on the body of the deceased and corroborated by Ex.P3-postmortem certificate. Thus, he would oppose for suspension of sentence.



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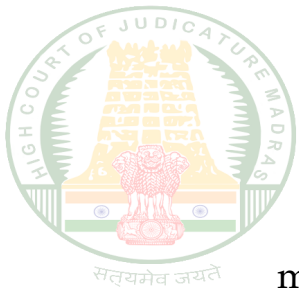
6. Heard the learned counsel on either side and perused the materials available on record.

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 petitioners.

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

i. The petitioners are directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge, Dindigul.

ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court



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may obtain a copy of their Aadhar card or Bank passbook to ensure their identity.

iii. The petitioner shall stay at Chidambaram and report before the Inspector of Police, Chidambaram Town Police Station, daily at 10.30 a.m., until further orders.

iv. The petitioner shall not enter into the jurisdictional limits of the respondent Police Station until further orders.

sd/-
28/08/2025

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01/09/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

1. The Additional District and Sessions Judge,
Dindigul.

2. The Judicial Magistrate No.III, Dindigul.

3. Do Through The Chief Judicial Magistrate,
Dindigul District.

4. The Superintendent,
Central Prison,
Trichy.

5. The Inspector of Police,
Dindigul Town South Police Station,

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



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Dindigul District.

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6. The Inspector of Police,
Chidambaram Town Police Station,
Cuddalore District.

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

+1 CC to M/s.C.MAYILVAHANA RAJENDRAN, Advocate (SR-9294[I] dated
28/08/2025)

ORDER
IN
CRL MP(MD) Nos.8874 & 10375 of 2025
IN
CRL.A(MD)No.620 of 2023
Date :28/08/2025

HPS/01.09.2025 7P/9C

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