



CRL.MP(MD)No.8598 of 2025

WEB COPY

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.8598 of 2025

in

CRL.A(MD)No.664 of 2025

C.Vishva

... Petitioner

vs.

State represented by
Inspector of Police,
Thirunagar Police Station,
Madurai,
Madurai District.
(Crime No.486/2016)

... Respondent

Petition filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed by the learned V Additional District and Sessions Court, Madurai, in S.C.No.186 of 2017 dated 28.04.2025 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.P.Andiraj

For Respondent : 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 learned V



CRL.MP(MD)No.8598 of 2025

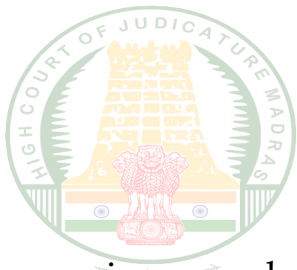
Additional District and Sessions Court, Madurai, in S.C.No.186 of 2017 dated 28.04.2025, he has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
302 read with 34 IPC	To undergo life imprisonment	Rs.5,000/- in default to undergo one year simple imprisonment

3. The case of the prosecution is that on 12.10.2016, during the dance programme in connection with the temple festival of Madurai Thirunagar Onakkal Veyilugantha Amman temple, the deceased Pasidh Ahamed was dancing along with his friends. While so, his hand get in touch with the petitioner/A2 which resulted in a quarrel with them. Thereafter, the accused 1 and 2 decided to kill the deceased and on the same day around 10.00 p.m., the petitioner/A2 caught hold of the deceased and A1 stabbed him in his chest and due to the stab injuries, the deceased died on the way to hospital.

4. The learned counsel for the petitioner would submit that though the alleged incident is said to have happened at 10.00 p.m on 12.10.2016, the complaint has been lodged to the respondent/Police on the next day morning at 06.00 a.m. The alleged incident is said to have happened during the temple festival. Admittedly, there was police bundobust and despite the presence of the police, the complaint had been



CRL.MP(MD)No.8598 of 2025

WEB COPY

given much belatedly and thereby suggesting that the witnesses have been later introduced to suit the case of the prosecution and thereby making the presence of the witnesses at the place of occurrence highly doubtful. Admittedly, PW1 who is the brother of the deceased, is said to have taken the victim to one Adithya Hospital and thereafter to the Government Hospital. Even as per the evidence of PW1, he was examined by a senior police officer at the hospital. However, there has been a delay in lodging the complaint. He would further submit that even as per the prosecution, the incident is said to have taken place during the temple festival and that the deceased is said to have assaulted the petitioner first and only in retaliation, the alleged occurrence had taken place.

5. He would further submit that the victim and the accused are totally strangers and the incident happened during a quarrel and that there was no premeditation. The petitioner was aged 18 years at the time of occurrence and the allegation against him is, he said to have caught hold of the victim at the time of occurrence and the fatal stab injury is said to have been inflicted by A1. Further, during trial, the petitioner was on bail and he had not misused the liberty granted to him and he has no other previous case pending against him and that he will abide by any stringent conditions that may be imposed by this Court. Thus, he would pray for suspension of sentence of the petitioner.



CRL.MP(MD)No.8598 of 2025

WEB COPY

6. Learned Additional Public Prosecutor appearing for the respondent – Police would submit that the petitioner and the victim entered into a quarrel and A1 had come to the place of occurrence and the petitioner caught hold of the deceased and A1 inflicted fatal stab injury. He would further submit that the deceased assaulted the petitioner first and as a retaliation, the petitioner along with A1 committed murder of the deceased, thereby, he would object for grant of suspension of sentence to the petitioner.

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 V Additional District and Sessions Court, Madurai.



CRL.MP(MD)No.8598 of 2025

WEB COPY

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 Dharmapuri and report before the Dharmapuri Police Station at 10.30 a.m., until further orders.

iv. The petitioner shall not enter into the jurisdictional limits of the respondent/Police.

sd/-
19/08/2025

/ TRUE COPY /

22/08/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

bala
TO

1.The V Additional District and Sessions Judge, Madurai.

2.The Superintendent,
Central Prison, Madurai.

3.The Inspector of Police,
Thirunagar Police Station,
Madurai District.

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



CRL.MP(MD)No.8598 of 2025

WEB COPY

4 The Inspector of Police
Dharmapuri Police Station, Dharmapuri.

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

+1 CC to M/s.P.ANDIRAJ, Advocate (SR-8965[I] dated 20/08/2025)

ORDER

IN

CRL MP(MD) No.8598 of 2025

Date :19/08/2025

SBN/22.08.2025 6P/7C

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