

CRL.MP(MD)No.8969 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2025

CORAM:

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

**CRL.MP(MD)No.8969 of 2025
in
CRL.A(MD)No.1030 of 2024**

Karthikeyan

... Petitioner

VS.

State of Tamil Nadu through
The Inspector of Police,
Ramji Nagar Police Station,
Trichy District.
In Crime No.786 of 2020.

... Respondent

Petition filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the substantive sentence of imprisonment rendered on 29.08.2024 passed by the learned II Additional District and Sessions Court, Trichy, in S.C.No.132 of 2020 pending disposal of the appeal.

For Petitioner : Mr.N.Ananthapadmanabhan
Senior Counsel, for
M/s.APN Law Associates
For Respondent : Mr.B.Nambi Selvan
Additional Public Prosecutor



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ORDER

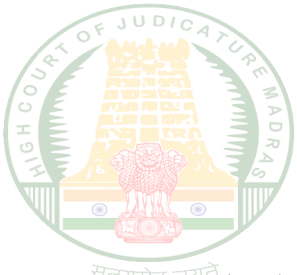
WEB COPY [Order of the Court was made by **A.D.JAGADISH CHANDIRA, J.**]

Seeking to suspend the sentence imposed on the petitioner/A3 by the II Additional District and Sessions Court, Trichy, in S.C.No.132 of 2020 dated 29.08.2024, 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.5,000/- in default to undergo six months rigorous imprisonment
324 IPC	To undergo one year rigorous imprisonment	-

3. The case of the prosecution is that there was previous enmity on account of a land dispute between the deceased Selvam/husband of PW.1 and A2. Therefore, the deceased Selvam made a complaint before the Somarasampettai Police Station wherein the deceased Selvam and A2 appeared and the respondent Police had advised them to survey the land. Thereafter A.2/Veeramalai Karthik had engaged A1 and A3 to murder the deceased Selvam. On continuation of that, on 09.07.2020 at about 09.15 p.m., the appellants along with A3 went to the house of the deceased Selvam, with a common intention to murder him. The 1st petitioner stabbed the deceased Selvam in his abdomen while the 2nd petitioner was holding a sickle and

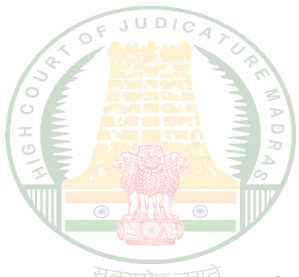


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A3 attacked PW.2 and caused injury in her head. Hence the present complaint was lodged by respondent Police.

4. The learned Senior Counsel appearing for the petitioner/A3 would submit that as per the prosecution, the overt act attributed against the petitioner/A3 is that he assaulted PW2 and the alleged occurrence is said to have taken place during the quarrel while surveying the land. As per the evidence of P.W.1, the respondent Police is said to have recorded the statement from the deceased prior to the surgery conducted on him, however, his statement has been suppressed by the prosecution. Further, the Doctor who has admitted the victim has recorded that the victim was conscious at the time of admission. Further, Dr.Bharani (P.W.14) who has admitted the victim in the hospital has stated that there were certain corrections in the accident register. Further, the victim was admitted on 09.07.2020 and he passed away on 15.07.2020 nearly after 6 days. During such time, the respondent/Police had not taken any steps to record any statement from him, thereby creating a doubt with regard to the case of the prosecution. There is a chance of modification of the sentence and no other case is pending against him. He would also submit that there are several other arguable points in this case and therefore, he prayed for suspension of sentence.

5. The respondent has filed a counter. The learned Additional Public Prosecutor



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appearing for the respondent – Police, would submit that A1 to A3 had a common intention to commit the murder, pursuant to which A2 had inflicted a stab injury in the abdomen of the deceased and A3 had assaulted on the head of PW2 by wooden log and caused injuries. The eyewitnesses have clearly narrated the specific overt act against the accused, thereby, he would vehemently oppose for 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.

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 learned II Additional District and Sessions Judge, Tiruchirappalli.

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 stay at Kanyakumari District and report before the Inspector of Police, Kottar Police Station, Nagercoil 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/-
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 II Additional District and Sessions Judge, Tiruchirappalli.
 2. The Inspector of Police, Ramji Nagar Police Station, Trichy District.
 3. The Inspector of Police, Kottar Police Station, Nagercoil.
 4. The Superintendent, Central Prison, Trichy.
 5. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.APN LAW ASSOCIATES, Advocate (SR-9289[I] dated 28/08/2025)



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Date :28/08/2025

NBF/SAR- /01/09/2025/ 6P/7C

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