



CrL.M.P.(MD) No.9212 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R. POORNIMA**

**CRL.MP(MD) No.9212 of 2025
in
CrL.A(MD)No.311 of 2024**

K.Prasanth

... Petitioner

Vs.

**State Rep. by
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District
(Crime No.420 of 2014)**

.... Respondent

Prayer : Petition filed under Section 430 of BNSS to suspend the sentence in S.C.No.91 of 2025, dated 30.01.2024, on the file of the Additional District and Sessions Judge, Additional District Court, Sivagangai in and enlarge him on bail pending disposal of the above Criminal Appeal.

**For Petitioner : Mr.G.Karuppasamy Pandian
for Mr.M.Murugesan
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor**



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ORDER

[Order of the Court was made by G.K.ILANTHIRAIYAN, J.]

Seeking to suspend the sentence imposed on the petitioner by the Learned Additional District and Sessions Judge, Additional District Court, Sivagangai vide Judgment dated 30.01.2024 in S.C. No. 91 of 2015, he has filed this criminal miscellaneous petition.

2. 2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amoun
341 IPC		Rs.500/- i/d to undergo one month simple Imprisonment
302 r/w 34 IPC	Life Imprisonment	Rs.10,000/- i/d to undergo one year simple Imprisonment

3.The case of the prosecution is that on 15.12.2013 the elder brother of the second accused viz., Muthuvijayan was murdered by Thevar group. Therefore, A2 to A4 had common intention to murder any one of Thevar group who killed Muthuvijayan within 05.12.2014. Hence, on 04.12.2014 while the deceased Muthuraja and one Ajith after taking bath in Oorani



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Karai nearby Ayyanar Koil in Kosavapatti road, all the accused came with deadly weapons and attacked them with sickle due to which, Muthuraja sustained blood injuries and died on the spot.

4.The learned counsel appearing for the petitioner would submit that though the prosecution has projected the case as if P.W.1 and P.W.2 are the witnesses to the occurrence, P.W.2 has not supported the case of the prosecution and he had been treated hostile. He would further submit that though the occurrence is said to have taken place at 01.30 p.m, the complaint has been preferred by the police only at 06.00 p.m., and thereby creating a doubt with regard to the presence of P.W.1 at the scene of occurrence. As per the evidence of P.W1 he was said to be alone along with the victim and that the incident had happened in his presence, whereas it is the evidence of P.W.5 that after the assailant had come to the place of occurrence, P.W.1 had rushed to P.W.5 and when they went there, the incident had happened and the assailants had left from the place. Taking into consideration of the evidence in totality, it creates a doubt with regard to the presence of P.W.1 He would further submit that the incident had happened during the year 2014 and the petitioner was on bail during



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trial and during the said period and the petitioner has not misused the liberty granted to him. The petitioner is in incarceration for more than 1 ½ years and he is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for suspension of sentence. He further submitted that the co-accused No.2 has already granted suspension of sentence by this Court in CrL.M.P(MD)No.3899 of 2025, dated 14.08.2025.

5.The learned Additional Public Prosecutor appearing for the respondents filed counter affidavit and submitted that it is the case of retaliation murder. The person belonging to the accused community were done to death by the persons belonging to the deceased community on 15.12.2025 and as a retaliation, the incident had happened. He would further submit that the evidence of P.W.1 is cogent and clear and he is a 12th Std., boy and he had rushed to the village and informed and after that, the complaint has been given.

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



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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 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 District and Sessions Judge, Sivagangai.

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 Vellore and report before the Inspector of Police, Addukkamparai Police Station, daily at 10.30 a.m., until further orders.



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iv. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent Police Station until further orders.

[G.K.I., J.] & [R.P., J.]
17.12.2025

am

Copy to

- 1.The Additional District and Sessions Judge,
Additional District Court, Sivagangai
- 2.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
- 3.The District and Sessions Judge,
Sivagangai.
4. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.



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G.K.ILANTHIRAIYAN, J.
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R.POORNIMA, J.

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