



**CRL MP(MD) No. 8274 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**  
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**DATED: 08.07.2025**

**CORAM**

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

**CRL MP(MD) No. 8274 of 2024  
in  
Crl.A(MD)No.671 of 2024**

**Karuppasamy**

**..... Petitioner / Appellant**

**Vs**

**State represented by  
The Inspector of Police,  
Kadambur Police Station,  
Thoothukudi District.  
(In Crime No.7 of 2019)**

**..... Respondent/Respondent**

**Prayer: Petition filed under Section 430(2) of BNSS to suspend the sentence imposed on the petitioner in the judgment dated 24.06.2024 made in S.C.NO.137 of 2019, on the file of I Additional District and Sessions Court, Thoothukudi and enlarge the petitioner on bail pending disposal of the Criminal Appeal.**

**For Petitioner : Mr.A.Jayaramachandran**

**For Respondent : Mr.A.Thiruvadi Kumar  
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 Additional District and Sessions Court, Thoothukudi, *vide* Judgment dated 24.06.2024 in S.C.No.137 of 2019, he has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

| Section of Law | Sentence of imprisonment             | Fine amount                                               |
|----------------|--------------------------------------|-----------------------------------------------------------|
| 449 I.P.C.,    | To undergo the imprisonment for life | Rs.5,000/- i/d to under go six months simple imprisonment |
| 302 I.P.C.,    | To undergo the imprisonment for life | Rs.5,000/- i/d to under go six months simple imprisonment |

3. The case of the prosecution is that the deceased Annadurai, his wife and his daughter-in-law viz., Premalatha were living in Melaparaipatti. The accused 1 and one Harikrishnan, son of the deceased were friends. Therefore, the first accused used to visit the house of the said Harikrishnan. About 1 ½ years ago, the said



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Harikrishnan went abroad for job. The daughter-in-law and the deceased Annadurai went to Kadambur police station on 17.09.2018 and lodged a complaint alleging that the first accused went to the house of the said Harikrishnan and tried to misbehave with the said Premalatha, on the basis of which F.I.R., in Crime No.126/2018 was registered for the offences under Sections 294(b), 352, 354 and 506 (ii) I.P.C., and the first accused was remanded to judicial custody. Having been released on bail, the first accused continued to harass the said Premalatha, due to which the said Premalatha went to her relative's house at Tirunelveli. The first accused enraged by the act of the said Annadurai in sending him to the jail and with an intention to murder Annadurai, on 04.02.2019 about 07.00p.m, the first accused along with the accused Nos.2 and 3 went to Malaparaipatti in a two wheeler and left the two wheeler in the forest area and trespassed into the house of the said Annadurai and all the accused assaulted the said Annadurai with Aruval on his neck and cheek and due to which, the deceased sustained grievous injuries and succumbed. Hence, the case.

4. The learned Counsel appearing for the petitioner would submit that the appellant/petitioner is arrayed as Accused No.3 in this case and the trial Court failed to take into consideration several contradictions and discrepancies in the



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prosecution case. Though P.W.1, P.W.4 to P.W.6 and P.W.8 are projected as eye-witnesses to the occurrence, other than P.W.1, all the witnesses have not supported the case of the prosecution and they have turned as hostile and in such circumstances, the evidence of P.W.1 should have been appreciated with great care and in this case the alleged occurrence is said to have been taken place at 07.00p.m., and Ex.P.1 – complaint was said to be given to the police station at 09.00p.m..

5. The learned Counsel would further submit that it is admitted in the evidence of P.W.1 that she had seen all the accused at the police station when she had gone to lodge the complaint and she had identified them there, that thereby the entire evidence of the prosecution with regard to the arrest, confession and recovery becomes doubtful. Further P.W.3 – brother of the deceased had spoken about the presence of the petitioner and had seen only the first accused running out the house of the deceased with aruval. He would further submit that the petitioner was on bail during trial and that there are several arguable points in this case and the appeal is of the year 2024 and the likelihood of the appeal being taken up for final hearing in the near future is also not possible and therefore, he prayed for suspension of sentence.



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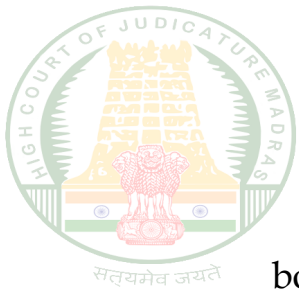
6. The respondent has filed a detailed counter. The learned Additional Public Prosecutor appearing for the respondent would submit that it is the case where the petitioner along with other accused had trespassed into house of the deceased and committed brutal murder of the husband of P.W.1, that the evidence of P.W.1 is clear and cogent and the trial Court rightly taking into consideration of oral and documentary evidences, has convicted the accused and thereby he would vehemently oppose for grant of bail to the petitioner.

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

8. 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.

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



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bond for Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned I Additional District and Sessions Judge, Thoothukudi.

- 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 Villupuram and report before the Inspector of Police, Town Police Station, 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/-  
08/07/2025

/ TRUE COPY //

/07/2025  
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 ADDITIONAL DISTRICT AND SESSIONS COURT,  
THOOTHUKUDI.

2 THE INSPECTOR OF POLICE,  
KADAMBUR POLICE STATION,  
THOOTHUKUDI DISTRICT.

3 THE SUPERINTENDENT,  
CENTRAL PRISON,  
PALAYAMKOTTAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

COPY TO

THE INSPECTOR OF POLICE,  
VILLUPURAM TOWN POLICE STATION,  
VILLUPURAM.

+1. C.C. to M/S. JAYARAMACHANDRAN.A Advocate SR.No.7284 (I)  
DT.09/07/2025

ORDER

IN

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IN CRL.A(MD)No.671 of 2024

Date :08/07/2025

NM/11.07.2025/ 7P/7C

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