



CRL MP(MD) NO. 8583 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12-08-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

CRL MP(MD) NO. 8583 of 2024

In

CRL A(MD) NO.510 of 2024

Manikandan

S/o.Ganesan, No.227, Anna Colony, Alaavurani,
Thiruthangal, Virudhunagar District.

Petitioner(s)

Vs

The Inspector of Police

Thiruthangal Police Station, Virudhunagar District. (Crime
No.414/2010). and another

Respondent(s)

For Petitioner(s): Mr.K.Chellapandian, Senior Counsel,
for M/s.V.R.Shanmuganathan
R.Rajeshkumar
Change Of Vak Filed

For Respondent(s): Mr.A.Thiruvadikumar,
Additiional Public Prosecutor

Prayer: This petition is filed under Section 430(1) of BNSS, 2023, praying

to Suspend the sentences passed in SC No. 194 of 2011 dated 27.06.2023 on the file of

<https://www.mhlc.org.in/> the Learned Additional District Court, Srivilliputtur at Virudhunagar pending



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disposal of the above said Criminal Appeal and thus render justice.

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ORDER

(Order of the Court was made by the Hon'ble A.D.JAGADISH CHANDIRA J.)

Seeking to suspend the sentence imposed on the petitioner by the Learned Additional District Court, Srivilliputtur at Virudhunagar, vide Judgment dated 27.06.2023 in SC No. 194 of 2011, he has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
341 I.P.C.	To undergo one month of Simple imprisonment	
302 IPC	To undergo Imprisonment for life	Rs.5,000/- i/d to undergo three months simple imprisonment

3.The case of the prosecution is that on 21.06.2010, at about 11.30 p.m., when the deceased was returning home after finishing his work, at that time, the accused 1 to 3 had intercepted and questioned the deceased with deadly weapons. They also intended to kill the deceased Rajkumar, due to pre-existing enmity over money disputes, all the accused joined together and attacked the deceased with deadly



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weapons, due to which, he sustained injuries and died.

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4.The learned Senior Counsel appearing for the petitioner would submit that P.W.1 is said to be the second wife of the deceased and the alleged occurrence is said to have taken place on 21.06.2010 at 11.30 p.m., where it was fully dark, and thereby the presence of P.W.1 in the scene of occurrence is highly doubtful. Even in the rough sketch and the observation magazar, the house of P.W.1 is not shown. Though P.W.1 claims that P.W.2 who is the son of the first wife was staying along with her at the time of occurrence, in her cross-examination, she has stated that P.W.2 was staying at Sathya Nagar, which is 3 Km away from the scene of occurrence. He would further submit that P.W.4, who is said to have attested the complaint, has turned hostile and he has not supported the case of the prosecution. Nothing has been stated about the availability of light on the place of occurrence. In such circumstances, the trial Court without taking into consideration the contradictions in the evidence of witnesses has convicted the petitioner. He would further submit that the petitioner is in incarceration from 27.06.2023 and hence, he prays for suspension of sentence.

5.The learned Additional Public Prosecutor appearing for the respondents would submit that the deceased is a money lender and he had demanded the money given



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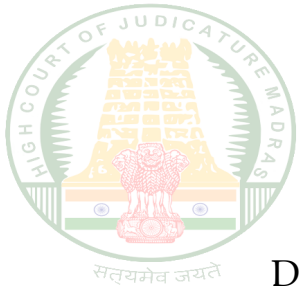
to the accused, on account of which, the accused had joined together and assaulted him with an aruval resulting in his death. He would further submit that the overt act attributed against the petitioner is that he has inflicted injuries on the head and left ear of the accused with aruval.

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 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 Additional District and Sessions Judge, Srivilliputhur at Virudhunagar



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District.

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- 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 Viluppuram and report before the Inspector of Police, Viluppuram 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/-
12/08/2025

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/08/2025

Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Ns

To

1. The Additional District and Sessions Judge,
Srivilliputhur at Virudhunagar District.

2. The Inspector of Police, Thiruthangal Police Station,
Virudhunagar District.



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3. The Superintendent,
Central Prison, Madurai.

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

Copy to
The Inspector of Police,
Viluppuram Town Police Station,
Viluppuram.

+1 CC to M/s.VR.SHANMUGANATHAN, Advocate (SR-8747[I] dated 13/08/2025)

ORDER
IN
CRL MP(MD) NO. 8583 of 2024
In
CRL A(MD) NO.510 of 2024
Date :12/08/2025

PR/18.08.2025 6P/7C

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