



CRL MP(MD) NO. 8798 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. 8798 of 2024

Arumugam

S/o RamayaKonar, No.2/55 PillaiyarKovil Street, North
Karasery, Thoothukudi District.

Petitioner(s)

Vs

The Inspector of Police

Morapandu Police Station, Thoothukudi District. Crime
No.114/2018. and another

Respondent(s)

For Petitioner(s): Mr.V.Kathirvelu, Senior Counsel
for K. Prabhu
M/s.Jeyamohan.K
R.Muthuram

For Respondent(s): Mr.B.Nambi Selvan
Additional Public Prosecutor

Prayer: This petition is filed under Section 430(1) of BNSS(Section 389(1) of Cr.P.C),
praying to Suspend the Execution of sentence by granting bail in SC No.213/2019
dt.01.07.2024 on the file of the Learned II Addl District and Sessions Judge,
Thoothukudi till the disposal of the Criminal Appeal.



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ORDER

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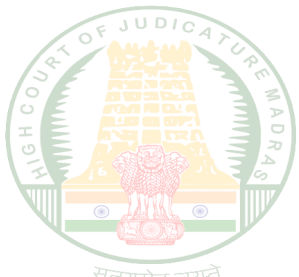
(Order of the Court was made by the Hon'ble **A.D.JAGADISH CHANDIRA J.**)

Seeking to suspend the sentence imposed on the petitioner by the II Addl District and Sessions Judge, Thoothukudi , vide Judgment dated 01.07.2024 in SC No.213/2019 , he has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
294(b) I.P.C.	To undergo three months of Simple imprisonment	Rs.1,000/- i/d to under go two weeks simple imprisonment
302 IPC	To undergo Imprisonment for life	Rs.5,000/- i/d to undergo 6 months simple imprisonment
506(ii) IPC	To undergo 7 years of Simple Imprisonment	Rs.5,000/- i/d to undergo 6 months simple imprisonment

3.The case of the prosecution is that due to previous enmity between the deceased and the accused with regard to money transaction on 21.07.2018 at about 07.30 p.m., when the deceased Shanmugam, P.W.1 and P.W6 had chat in their house, at door



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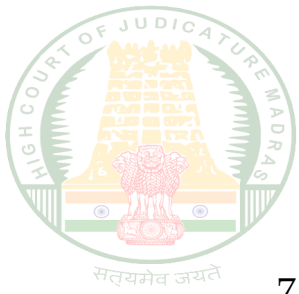
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setps, the accused suddenly barged into their house and assaulted the deceased Shanmugam with sickle on his head and his left hand wrist due to which, he sustained injuries and was taken to hospital and after few days he died. Hence, the case was registered.

4.The learned Senior Counsel appearing for the petitioner would submit that the alleged incident is said to have taken place on 21.07.2018 at 19.30 hours and the victim was said to have been admitted in the hospital on the same day at 08.30 p.m. As per the prosecution, the victim was under treatment and he is said to have passed away on 26.07.2018., while he was taking treatment. The respondents had not taken any steps to record the statement of the victim and further the case sheet regarding the treatment given to the victim was also not marked. He would further submit that the petitioner is in incarceration from 27.07.2018 and hence, he prays for suspension of sentence.

5.The learned Additional Public Prosecutor appearing for the respondents would submit that the deceased passed away after 5 days on 26.07.2018 and since he was unconscious, the statement was not able to be recorded from him and he objected to grant bail to the petitioner.

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 II Additional District and Sessions Judge, Thoothukudi.
- 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, Adukkamparai Police Station, daily at 10.30 a.m., until further orders.
- iv. It is made clear that the petitioner shall not enter into the



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jurisdictional limits of the respondent Police Station until further orders.

sd/-

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13/08/2025

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, THOOTHUKUDI.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 3 THE INSPECTOR OF POLICE, MORAPANDU POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE INSPECTOR OF POLICE, ADUKKAMPARAI POLICE STATION.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.PRABHU, Advocate (SR-8776[I] dated 13/08/2025)

ORDER

IN

CRL MP(MD) No.8798 of 2024

in

CRL A(MD) No.595 of 2024

Date :12/08/2025

NBF/SAR- /13/08/2025/ 5P/7C

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