



CRL.MP(MD) No. 8814 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COUR
DATED : 05.08.2025
CORAM
THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MS.JUSTICE R. POORNIMA

CRL.MP(MD) No. 8814 of 2024
in
Crl.A(MD)No.704 of 2024

Palraj

...Petitioner / Appellant

Vs.

The State rep. by its
The Inspector of Police
Rajapalayam South Police Station,
Virudhunagar District.
(Crime No.649 of 2014)

..... Respondent/complainant

Prayer : Petition filed under Section 430 (1) of BNSS to suspend the sentence imposed on the petitioner in S.C.No.179 of 2015 dated 25.06.2024 passed by the learned Additional District and Sessions Judge, Srivilliputhur, and enlarge him on bail pending disposal of the criminal appeal.

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor



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ORDER

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[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 Judge, Srivilliputhur, vide Judgment dated 25.06.2024 in S.C.No.179 of 2015, 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 IPC	To undergo one month simple imprisonment	-
302 IPC	To undergo life imprisonment	Rs.10,000/- i/d to undergo one year rigorous imprisonment

3. The case of the prosecution is that there was enmity between the petitioner and the deceased Muthuraman, with regard to administration of the Mariyamman temple. Prior to the occurrence the deceased had filed a suit in O.S No.15 of 2014 on the file of the Principal District Munisif Court, Srivilliputhur against the petitioner, seeking to remove the petitioner from the post of President of Mariyamman temple. The deceased was insisted by the petitioner to withdraw the



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civil suit, whereas the deceased refused to withdraw the civil suit. Pursuant to that, on 23.10.2014 at about 09.30 p.m., the petitioner and one Kasinathan approached the deceased and compelled him to withdraw the civil suit, and during such time a wordy quarrel ensued between them. On the next day i.e., on 24.10.2014 at about 6.00 a.m after attending nature's call, when PW1/ Muthukrishnan and the deceased were returning the petitioner waylaid the deceased and assaulted him with knife, due to which the deceased sustained grievous injuries and died and thereafter, the present complaint was lodged and the respondent Police registered FIR in Crime No.649 of 2014 for the offence under Section 341, 294(b), 302 and 506(ii) IPC.

4. The learned counsel appearing for the petitioner would submit that the trial Court failed to taken into consideration the discrepancies in the identification of the weapon used in the occurrence by the eyewitnesses. Prosecution has projected M.O.1 to be the weapon used in the occurrence, whereas P.W.1 and P.W.2 have stated that M.O.1 is not the weapon used in the occurrence. He would further submit that the presence of P.W.1 and P.W.2 is doubtful for the reason that they have not accompanied the victim to the hospital and even as per the accident register, the victim said to have been taken to the hospital by 108 ambulance. The petitioner was on bail during trial and he has not violated the liberty granted to him during his bail and after conviction only the petitioner is in



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prison. He would also submit that there are several other arguable points in this case and therefore, he prayed for suspension of sentence.

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5. The respondent has filed a counter. The learned Additional Public Prosecutor appearing for the respondent – Police, would submit that the evidence of P.W.1 is cogent and trustworthy which is also corroborated with other prosecution eyewitnesses namely, P.W.2 and P.W.9 and there is no reason to discard their evidence and the petitioner has committed grave offence and he is not entitled for any relief, 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



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स the satisfaction of the learned Additional District and Sessions Judge,
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Srivilliputhur.

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 Dharmapuri District and report before the Inspector of Police, B1 Town Police Station, Dharmapuri 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/-
05/08/2025

/ TRUE COPY /

07/08/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, SRIVILLIPUTHUR.

2.THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.



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3.THE INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4.THE INSPECTOR OF POLICE,
B1 TOWN POLICE STATION, DHARMAPURI.

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

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-8487[I] dated
06/08/2025)

ORDER
IN

CRL MP(MD) No.8814 of 2024
Date :05/08/2025

SBN/07.08.2025 6P/7C

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