



CRL MP(MD) NO. 10314 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05-08-2025

CORAM

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

CRL MP(MD) NO. 10314 of 2025
IN
CRL A(MD) NO. 834 OF 2025

Nithishkumar @ Nithish
S/o.Kaviseelan, North Street,
Varadharajapuram, Theni District.

Petitioner(s)

Vs

The State of Tamilnadu,
Through The Inspector of Police,
Royappanpatti Police Station,
Theni District.

Cr.No.126 of 2024

Respondent(s)

Prayer: This petition is filed under Section 389(1) of Cr.P.C/430 of BNSS, 2023, praying to suspend the sentence imposed on the appellant/accused in S.C.NO.113 of 2024 on the file of the learned Sessions Judge, Theni District, dated 18.07.2025 and enlarge him on bail pending disposal of the criminal appeal.

For Petitioner(s):

K.Samidurai
A.K.S.Vishnu (4030/2019)
S.Sherlin Sheeba
Shabna G



CRL MP(MD) NO. 10314 of 2025

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

ORDER

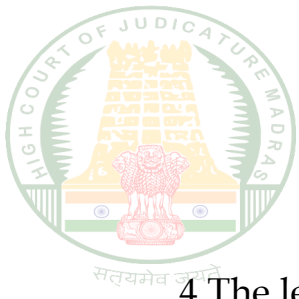
(Order of the Court was made by the Hon'ble A.D.JAGADISH CHANDIRA J.)

Seeking to suspend the sentence imposed on the petitioner/ A2 by the learned Sessions Judge, Theni District, *vide* Judgment dated 18.07.2025 in SC No.113 of 2024, he has filed this criminal miscellaneous petition.

2.The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
Section 201 r/w 302 of I.P.C.	To undergo 3 years rigorous imprisonment	Rs.5,000/- in default to undergo 3 months simple imprisonment

3.The case of the prosecution is that totally there are two accused in this case and both of them are blood brothers and there was a dispute in the house of A.1's brother-in-law's house at Dharmarajapuram and in order to compromise the said dispute, A1 and A2 took the husband of P.W.2 viz., Nallasamy to Dharmarajapuram, wherein some quarrel arose between them and the said Nallasamy was attacked and due to which, the said Nallasamy died and a case has been registered.



CRL MP(MD) NO. 10314 of 2025

WEB COPY

4.The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A2 in this case and he has been convicted for offence under Sections 201 r/w 302 of IPC and he has been sentenced to undergo 3 years rigorous imprisonment and to pay a fine of Rs.5,000/- and in default to undergo 3 months simple imprisonment. He further submitted that in M.P.NO.01 of 2025 in S.C.NO.113 of 2024, the trial Court had suspended the sentence, till 18.08.2025 and hence, he would seek suspension of sentence.

5.The learned Additional Public Prosecutor appearing for the respondents submitted that the petitioner has been convicted for offence under Section 302 IPC and the trial Court has suspended the sentence till 18.08.2025.

6.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.

7.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:



WEB COPY



CRL MP(MD) NO. 10314 of 2025

- i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.5,000/- (Rupees Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Theni District.
- 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 appear before the trial Court on the first working day of every month, at 10.30 a.m., until further orders.

sd/-

05/08/2025

/ TRUE COPY /

11/08/2025

Sub-Assistant Registrar

Madurai Bench of Madras High Court,
Madurai - 625 023.

ns
TO

1 THE SESSIONS JUDGE, THENI DISTRICT.

2 THE INSPECTOR OF POLICE, ROYAPPANPATTI POLICE STATION,
THENI DISTRICT.

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



CRL MP(MD) NO. 10314 of 2025

WEB COPY
+1 CC to M/s.K.SAMIDURAI, Advocate (SR-8444[I] dated 05/08/2025)

ORDER
IN
CRL MP(MD) No.10314 of 2025
IN
CRL A(MD) No.834 of 2025
Date :05/08/2025

NBF/SAR- /11/08/2025/ 5P/5C

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